

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

This Document Relates to:

All Consumer Indirect Purchaser Actions

Case No. 0:18-cv-01776 (JRT-HB)

**DECLARATION OF SHANA E.
SCARLETT IN SUPPORT OF
CONSUMER INDIRECT
PURCHASER PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

*** REDACTED***

I, Shana E. Scarlett, state under oath, as follows:

1. I am a partner at Hagens Berman Sobol Shapiro LLP. I am admitted to this Court *pro hac vice*, and am one of the Interim Co-Lead Counsel (along with Gustafson Gluek PLLC) for the Consumer Indirect Purchaser Plaintiffs appointed by the Court to represent the Consumer Indirect Class in this litigation. I submit this declaration in support of the Consumer Indirect Purchaser Plaintiffs' Motion for Class Certification. I have full knowledge of the matters stated herein and would testify to these facts if called upon.

2. Attached hereto are true and correct copies of the following exhibits:

Exhibit	Description
1.	CLMNS-0000030331
2.	TF-P-000159370
3.	TF-P-000179765
4.	SBF0184924
5.	HFC-PORKAT0000045312
6.	TF-P-000642082
7.	CLMNS-0000646890
8.	AGSTAT-P-0000019809
9.	AGSTAT-P-0000019810
10.	TF-P-000318770
11.	TF-P-000466138

12.	TF-P-000105985
13.	TF-P-000529625
14.	AGSTAT-P-0003426785
15.	AGSTAT-P-0003415484
16.	Deposition of Stacey Edwards (Jan. 25, 2022)
17.	TF-P-000047827
18.	TF-P-000304468
19.	AGSTAT-P-0000019993
20.	Deposition of Joshua Rennells (Feb. 24, 2022)
21.	SMITHFIELD00548308
22.	TF-P-000515626
23.	AGSTAT-P-0003415121
24.	AGSTAT-P-0002613526
25.	AGSTAT-P-0003472186
26.	AGSTAT-P-0002620972
27.	AGSTAT-P-0002861140
28.	SBF0088112
29.	Deposition of Damon Dale Ginther (Dec. 7, 2021)
30.	Deposition of Mark Copo (Jan. 27, 2022)
31.	SMITHFIELD00663101
32.	HFC-PORKAT0000019130

33.	AGSTAT-P-0002620767
34.	CLMNS-0000529020
35.	SMITHFIELD01071523
36.	TF-P-000527381
37.	AGSTAT-P-0002621454
38.	TF-P-000210990
39.	TF-P-000210991
40.	TF-P-001063041
41.	TF-P-001063042
42.	TF-P-001007930
43.	SMITHFIELD01095551
44.	SMITHFIELD01286583
45.	SMITHFIELD00705612
46.	CLMNS-0000298048
47.	HFC-PORKAT0000115867
48.	TF-P-000746325
49.	SBF0375666
50.	Deposition of Kenneth M. Grannas, Jr. (Dec. 17, 2021)
51.	Deposition of Corwyn "Cory" Bollum (Dec. 1, 2021)
52.	HFC-PORKAT0000356426
53.	AGSTAT-P-0002819700

54.	TF-P-000173720
55.	SMITHFIELD00703508
56.	JBS-PORK-00645017
57.	SMITHFIELD01357914
58.	TF-P-000314709
59.	TF-P-000100077
60.	TF-P-000257671
61.	TF-P-000316394
62.	TF-P-000538548
63.	TF-P-000212871
64.	TF-P-000213274
65.	TF-P-000304473
66.	TF-P-000051236
67.	TF-P-1718780
68.	SBF0459030
69.	TRI0000049900
70.	TRI0000433907
71.	CLMNS-0000670325
72.	JBS-PORK-01389262
73.	JBS-PORK-00734271
74.	TF-P-000986521

75.	TF-P-000329939
76.	TF-P-000368308
77.	TF-P-000408067
78.	TF-P-000445553
79.	TF-P-000475538
80.	TF-P-000231541
81.	TF-P-000231539
82.	TF-P-000220755
83.	TF-P-000205959
84.	TF-P-000102225
85.	TF-P-000218761
86.	TF-P-000275993
87.	TF-P-000642134
88.	CLMNS-0000036566
89.	HFC-PORKAT0000013693
90.	SBF0371672
91.	SBF0428074
92.	AGSTAT-P-0002819815
93.	JBS-PORK-00010573
94.	TRI0000037014
95.	TRI0000045857

96.	AGSTAT-P-0002793502
97.	AGSTAT-P-0002802244
98.	Deposition of Paul Peil (Dec. 9, 2021)
99.	AGSTAT-P-0002802467
100.	TF-P-000096312
101.	TF-P-000205960
102.	TF-P-000054715
103.	TF-P-000172958
104.	CLMNS-0000579006
105.	CLMNS-0000036455
106.	CLMNS-0000669589
107.	CLMNS-0000119051
108.	SBF0149705
109.	HFC-PORKAT0000272375
110.	AGSTAT-P-0002818528
111.	SBF0312990
112.	SBF0351271
113.	SBF0125785
114.	SBF0088132
115.	Deposition of Daniel Groff (Dec. 15, 2021)
116.	SMITHFIELD00832270

117.	Deposition of Dhamu Thamodaran, PH.D. (Mar. 23, 2022)
118.	SMITHFIELD00321244
119.	HFC-PORKAT0000202139
120.	TF-P-000070892
121.	TF-P-000817306
122.	SMITHFIELD00898940
123.	TF-P-000128650
124.	TF-P-000036749
125.	TF-P-000641160
126.	TF-P-000198549
127.	TF-P-000681324
128.	Deposition of Brian Taphorn (Jan. 25, 2022)
129.	Deposition of Robert Moore (Dec. 21, 2021)
130.	TF-P-000172956
131.	TF-P-002121994
132.	HFC-PORKAT000032620
133.	JBS-PORK-00259786
134.	Deposition of Melvin Davis (Dec. 16, 2021)
135.	TRI0000313243
136.	US Foods 10-K, available at http://d18rn0p25nwr6d.cloudfront.net/CIK-0001665918/6fbc7b79-2de4-43a1-b358-a1bde8ad905d

137.	Sysco 10-K, available at https://content.edgar-online.com/ExternalLink/EDGAR/0000096021-18-000126.html?hash=c06c203b8996e8903882ee96ec0acb4cba52ea8a68d73d1978aa3319779edeb9&dest=EXHIBIT1027AMENDMENTTOMSP_HTM#EXHIBIT1027AMENDMENTTOMSP_HTM
138.	Deposition of Steve Meyer, Ph.D. (Apr. 26, 2022)
139.	KERNS00250162
140.	Kroger Earnings Call Tr., available at https://seekingalpha.com/article/239801-kroger-co-ceo-discusses-q3-2010-earnings-call-transcript
141.	Supervalu July 26, 2011 Earnings Call, available at https://seekingalpha.com/article/281873-supervalus-ceo-discusses-q1-2012-results-earnings-call-transcript
142.	CLMNS-0000081357
143.	TF-P-000655793
144.	SMITHFIELD00903091
145.	TF-P-001303751
146.	SMITHFIELD02229056
147.	HFC-PORKAT0000372974
148.	CLMNS-0000051029
149.	TF-P-001131638
150.	Firm Resume for Hagens Berman Sobol Shapiro LLP
151.	Firm Resume for Gustafson Gluek PLLC

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: May 2, 2022

/s/ Shana E. Scarlett
SHANA E. SCARLETT

EXHIBITS 1-66

FILED UNDER SEAL

EXHIBIT 67

final

Company Name: Smithfield Foods
 Company Ticker: SFD US
 Date: 2010-12-09
 Event Description: Q2 2011 Earnings Call

Market Cap: 3,228.96
 Current PX: 19.45
 YTD Change(\$): +4.26
 YTD Change(%): +28.045

Bloomberg Estimates - EPS
 Current Quarter: 0.509
 Current Year: 1.863
 Bloomberg Estimates - Sales
 Current Quarter: 3127.889
 Current Year: 12204.538

Q2 2011 Earnings Call

Company Participants

- Keira Lombardo, Director, Investor Relations
- C. Larry Pope, President and Chief Executive Officer
- Robert W. Manly, Chief Financial Officer and Executive Vice President
- Keira Ullrich, Director of Investor Relations

Other Participants

- Christine McCracken
- Akshay Jagdale
- Ryan Oksenhendler
- Farha Aslam
- Diane Geissler
- Heather Jones
- Lindsay Mann
- Timothy Ramey
- Christina McGlone
- Vincent Andrews
- Bryan Hunt
- Reza Vahabzadeh

MANAGEMENT DISCUSSION SECTION

Operator

Ladies and gentlemen, thank you for standing by. Welcome to the Smithfield Foods Fiscal 2011 Second Quarter Earnings Call. [Operator Instructions] Later we will conduct a question-and-answer session. Instructions will be given at that time. [Operator Instructions] As a reminder, this conference is being recorded.

I'd now like to turn the conference over to Keira Lombardo. Please go ahead.

Keira Lombardo, Director, Investor Relations

Good morning. Welcome to the conference call to discuss Smithfield Foods' fiscal 2011 second quarter results. We would like to caution you that in today's call there may be forward-looking statements within the meaning of federal securities laws. In light of the risks and uncertainties involved we encourage you to read the forward-looking information section of the company's 10-K for fiscal year 2010. You can access the 10-K and our press release on our Web site at www.smithfieldfoods.com.

On our call are Larry Pope, President and Chief Executive Officer, and Bo Manly, Chief Financial Officer. This is Keira Lombardo, Director of Investor Relations.

Larry will begin our call this morning with a review of operations followed by Bo who will review the company's financial results. Then Larry will provide our outlook for the future, after which the line will be open for questions.

Bloomberg

final

Company Name: Smithfield Foods
 Company Ticker: SFD US
 Date: 2010-12-09
 Event Description: Q2 2011 Earnings Call

Market Cap: 3,228.96
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 YTD Change(\$): +4.26
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Bloomberg Estimates - EPS
 Current Quarter: 0.509
 Current Year: 1.863
 Bloomberg Estimates - Sales
 Current Quarter: 3127.889
 Current Year: 12204.538

could help me figure out where I'm off in terms of what your expectations are about hog raising in 2012?

<A - Robert W. Manly, Chief Financial Officer and Executive Vice President>: It's almost impossible to guess what your model says.

<Q - Diane Geissler>: I'm just using futures.

<A - Robert W. Manly, Chief Financial Officer and Executive Vice President>: Well futures we would say that the futures at least as far as our cost structure is concerned are indicating that we're going to have a profitable operation in our hog production next year. It's not certainly setting records but it is positive, and we think that at these higher priced corn levels that we're doing a pretty good job there.

<Q - Diane Geissler>: So you think it's already, the corn where it is today is already priced into where futures are on the hog side?

<A - Robert W. Manly, Chief Financial Officer and Executive Vice President>: Corn – can you repeat that question? I'm not sure I understand.

<Q - Diane Geissler>: Where corn prices are today, you think that's already priced into where futures are today on the hog side?

<A - C. Larry Pope, President and Chief Executive Officer>: I think they're independent of one another, Diane. You just look at them.

<Q - Diane Geissler>: Well generally, I guess what I'm saying is generally what you see happen when grains rise is the hog market eventually has to take that into account because there are expectations that get built into the curve as to the number of animals that get raised, right? I guess what I'm saying is do you think the curve has already adequately priced in a higher grain environment?

<A - Robert W. Manly, Chief Financial Officer and Executive Vice President>: I think that we're projecting profits for hog production sector for next year.

<Q - Diane Geissler>: Okay. Terrific. Thank you.

Operator

Thank you. Next we'll go to the line of Heather Jones from BB&T Capital Markets. Please go ahead.

<Q - Heather Jones>: Good morning. Congratulations on the quarter.

<A - C. Larry Pope, President and Chief Executive Officer>: Thank you.

<Q - Heather Jones>: I had a quick question on the fresh pork division, which the results here were stellar. In the past you all have had, over the past year or so, you've had improved pork results, but there's still been a fairly significant gap between your fresh pork margins and some of your public peers. This quarter that gap closed, and I guess I'm just trying to get a sense of what happened during the quarter to drive this kind of improvement? Because for the market last quarter, fresh pork margins were strong as well, so it wasn't like there was that much improvement sequentially, but yet your sequential margins jumped like 600 basis points. So I was wondering what drove that? And how sustainable is that relative performance?

<A - C. Larry Pope, President and Chief Executive Officer>: Heather, let me talk a little bit about our situation, and then I'm going to let Bo as well have some input here. It'll take both of us on this one. We certainly compare ourselves to our competitors as best we can given the information we think we have public plus what we think we know privately, how many they kill, what their processing levels are and things like that. That's information you may not quite have, and we have been certainly impressed with how our competitors have been able to achieve margins that we haven't been able to achieve because I think our fresh pork competes very competitively with theirs. There were some

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EXHIBITS 68-119

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EXHIBIT 120

23-Dec-2013

Smithfield Foods, Inc. (SFD)

Q2 2014 Earnings Call

Smithfield Foods, Inc. (SFD)

Q2 2014 Earnings Call

F Formatted Report

23-Dec-2013

C. Larry Pope*President, Chief Executive Officer & Director, Smithfield Foods, Inc.***A**

Not for us.

Hale Holden*Analyst, Barclays Capital, Inc.***Q**

No, a lot of your peer set wouldn't be doing the same, so we do appreciate it. On the virus issue and the potential reduction in hog count for 2014, can you help us understand how that would flow through to margins potentially as well as selling price?

Robert W. Manly*Chief Synergy Officer & Executive Vice President, Smithfield Foods, Inc.***A**

In selling prices, it actually will be a positive impact on selling price because we'll have reduced supplies and we have a very inelastic demand curve. So it will have a beneficial impact on price, probably significantly as we move forward.

As you look at how it will impact our cost, there are two areas. One is if you do have a herd that breaks, you lose the baby pigs that were with the mothers at that point in time. So you have an immediate loss of inventory that gets reflected in that period's P&L. At the same time, you don't have that tonnage that would ultimately flow through and help reduce overhead costs and fixed costs when the pigs come to market. So you have a twofold impacted. One is when the pigs are – when the onset of the infection and the loss of baby pigs, and then finally the loss of throughput six months down the road.

Hale Holden*Analyst, Barclays Capital, Inc.***Q**

Got it. And then the second question would be have you started shipping increased volume as part of the Shuanghui transaction, or will that come in future quarters?

Robert W. Manly*Chief Synergy Officer & Executive Vice President, Smithfield Foods, Inc.***A**

Actually, we're seeing volume under these new initiatives. We do have sales that we had a year ago that were the tail end of some of the prior business that's influencing y-over-y comparisons. But we anticipate as we move into the first of the year that we'll have significantly higher volume shipments coming from the U.S. to China.

Hale Holden*Analyst, Barclays Capital, Inc.***Q**

And then my last question in the same vein as Carla's, any chance you can give us the number of heads sold by the hog production segment? That's a number that was given previously.

Kenneth M. Sullivan*Chief Financial Officer, Smithfield Foods, Inc.***A**

Yes, we can do that.

Keira L. Lombardo*Vice President of Investor Relations and Corporate Communications, Smithfield Foods, Inc.***A**

Hale, I'll follow-up with you.

Smithfield Foods, Inc. (SFD)

Q2 2014 Earnings Call

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23-Dec-2013

Karru Martinson*Analyst, Deutsche Bank Securities, Inc.***Q**

I was just – yes, just given the results this quarter and then the pressure on your packaged meats, I'm just wondering. What is your ability to go out and raise prices proactively here?

Robert W. Manly*Chief Synergy Officer & Executive Vice President, Smithfield Foods, Inc.***A**

Ourselves, as a company, obviously we're in a business that's heavily influenced by commodities. So I think you really need to look at the overall industry balance of supply and demand to be able to determine can the industry move prices up collectively as a group. We've got limited ability to do it ourselves if the rest of the industry doesn't follow. But the consumer tends to be willing to pay proportionally higher values for their pork meat when small increments of supply are withdrawn from the marketplace.

Karru Martinson*Analyst, Deutsche Bank Securities, Inc.***Q**

Okay. And then you mentioned we could see CapEx as high as \$350mm. You had some nice payback projects. I was wondering if you can provide a little more color on the some of the initiatives that you may have underway.

C. Larry Pope*President, Chief Executive Officer & Director, Smithfield Foods, Inc.***A**

Those were primarily focused on our manufacturing side of the business, as well as a substantial part of that deals with the continued conversion of our hog farms to group housing. And we've got a plan in place to convert all of our company-owned farms to group house by 2017. And I think we're a little over 50%-some now. I don't think we announced yet, Bo...

Robert W. Manly*Chief Synergy Officer & Executive Vice President, Smithfield Foods, Inc.***A**

No, we have not.

C. Larry Pope*President, Chief Executive Officer & Director, Smithfield Foods, Inc.***A**

...where we are for the end of the CY. And so about 25% or 30% of that goes to just the group housing initiative to continue to move these sows into better living conditions and improve the farms as we go. And the remainder is tied largely to our fresh meat operations where we see some substantial opportunities to improve our cost structure in that side of the business.

Kenneth M. Sullivan*Chief Financial Officer, Smithfield Foods, Inc.***A**

I think in terms of payback projects vs. maintenance, I'd characterize it as two-thirds payback and one-third maintenance in terms of those numbers.

Q

Just one question for me. Please indicate the use of proceeds from the Campofrio disposal, please.

EXHIBITS 121-135

FILED UNDER SEAL

EXHIBIT 136

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

FORM 10-K

(Mark One)

 ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended December 30, 2017

OR

 TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

Commission File No. 001-37786



US FOODS HOLDING CORP.

(Exact name of registrant as specified in its charter)

Delaware
(State or other jurisdiction of incorporation or organization)

24-0347906
(I.R.S. Employer Identification Number)

9399 W. Higgins Road, Suite 500
Rosemont, IL 60018
(847) 720-8000

(Address, including Zip Code, and telephone number, including area code, of registrant's principal executive offices)

Securities registered pursuant to Section 12(b) of the Act: Title of Each Class Common Stock, par value \$0.01 per share	Name of Each Exchange on Which Registered New York Stock Exchange
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Securities registered pursuant to Section 12(g) of the Act: None

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes No Indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Act. Yes No Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes No Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). Yes No Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K.

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a smaller reporting company, or an emerging growth company. See the definitions of "large accelerated filer," "accelerated filer," "smaller reporting company," and "emerging growth company" in Rule 12b-2 of the Exchange Act.

Large accelerated filer Accelerated filer Non-accelerated filer (Do not check if a smaller reporting company) Smaller reporting company Emerging growth company If an emerging growth company, indicate by check mark if the Registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes No

Item 1A. Risk Factors

We are subject to many risks and uncertainties including, without limitation, with respect to our results of operations and cash flows. Some of these risks and uncertainties may cause our financial performance, business or operations to vary, or they may materially or adversely affect our financial performance. These are discussed below. The risks and uncertainties described in this Annual Report are not the only ones we face. Others—which are not currently known to us, or that we believe are immaterial—also may adversely affect our financial performance, business or operations.

Risks Relating to Our Business and Industry

Our business is a low-margin business, and our profitability is directly affected by cost deflation or inflation, commodity volatility and other factors.

The U.S. foodservice distribution industry is characterized by relatively high inventory turnover with relatively low profit margins. Volatile commodity costs have a direct impact on our industry. **We make a significant portion of our sales at prices that are based on the cost of products we sell, plus a percentage margin.** As a result, our profit levels may be negatively affected during periods of product cost deflation, even though our gross profit percentage may remain relatively constant. Prolonged periods of product cost inflation also may reduce our profit margins and earnings, if product cost increases cannot be passed on to customers because they resist paying higher prices. In addition, periods of rapid inflation may have a negative effect on our business. There may be a lag between the time of the price increase and the time at which we are able to pass it along to customers, as well as the impact it may have on discretionary spending by consumers.

Competition in our industry is intense, and we may not be able to compete successfully.

The U.S. foodservice distribution industry is highly competitive. Our largest competitor has greater financial and other resources than we do. Furthermore, there are a large number of local and regional distributors. These companies often align themselves with other smaller distributors through purchasing cooperatives and marketing groups. The goal is to enhance their geographic reach, private label offerings, overall purchasing power, cost efficiencies, and ability to meet customer distribution requirements. These distributors also rely on local presence as a source of competitive advantage, and they may have lower costs and other competitive advantages due to geographic proximity. Additionally, adjacent competition, such as cash-and-carry operations, commercial wholesale outlets, club stores and grocery stores, continue to serve the commercial foodservice market. We also experience competition from online direct food wholesalers, such as Amazon.com. We generally do not have exclusive service agreements with our customers, and they may switch to other suppliers that offer lower prices, differentiated products, or customer service that is perceived to be superior. The cost of switching suppliers is very low, as are the barriers to entry into the U.S. foodservice distribution industry. We believe most purchasing decisions in the U.S. foodservice distribution industry are based on the quality and price of the product, plus a distributor's ability to completely and accurately fill orders and provide timely deliveries.

Increased competition has caused the U.S. foodservice distribution industry to change, as distributors seek to lower costs, further increasing pressure on the industry's profit margins. Heightened competition among our suppliers, significant pricing initiatives or discount programs established by competitors, new entrants, and trends toward vertical integration could create additional competitive pressures that reduce margins and adversely affect our business, financial condition, and results of operations.

We rely on third-party suppliers, and our business may be affected by interruption of supplies or increases in product costs.

We obtain substantially all of our foodservice and related products from third-party suppliers. We typically do not have long-term contracts with suppliers. Although our purchasing volume can provide leverage when dealing with suppliers, they may not provide the foodservice products and supplies we need in the quantities and at the prices requested. We do not control the actual production of most of the products we sell. This means we are also subject to delays caused by interruption in production and increases in product costs based on conditions outside our control. These conditions include work slowdowns, work interruptions, strikes or other job actions by employees of

EXHIBIT 137

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

Form 10-K

(Mark One)

- ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934**
For the fiscal year ended June 30, 2018
OR
- TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934**

Commission File Number 1-6544



Sysco Corporation

(Exact name of registrant as specified in its charter)

DELAWARE

(State or other jurisdiction of incorporation or organization)

**1390 Enclave Parkway
Houston, Texas**

(Address of principal executive offices)

74-1648137

(I.R.S. Employer Identification No.)

77077-2099

(Zip Code)

Registrant's Telephone Number, Including Area Code:

(281) 584-1390

Securities Registered Pursuant to Section 12(b) of the Act:

Title of Each Class	Name of each exchange on which registered
Common Stock, \$1.00 Par Value	New York Stock Exchange
1.25% Notes due June 2023	New York Stock Exchange

Securities Registered Pursuant to Section 12(g) of the Act: None

Indicate by checkmark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes No

Indicate by checkmark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Act. Yes No

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes No

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). Yes No

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K.

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer or a smaller reporting company. See definition of "large accelerated filer," "accelerated filer" and "smaller reporting company" in Rule 12b-2 of the Exchange Act. (Check one):

Large Accelerated Filer

Accelerated Filer

Non-accelerated Filer

Smaller Reporting Company

(Do not check if a smaller reporting company)

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes No

The aggregate market value of the voting stock of the registrant held by stockholders who were not affiliates (as defined by regulations of the Securities and Exchange Commission) of the registrant was approximately \$28,886,944,016 as of December 30, 2017 (based on the closing sales price on the New York Stock Exchange Composite Tape on December 29, 2017, as reported by The Wall Street Journal (Southwest Edition)). As of August 10, 2018, the registrant had issued and outstanding an aggregate of 519,774,992 shares of its common stock.

DOCUMENTS INCORPORATED BY REFERENCE:

Portions of the company's 2018 Proxy Statement to be filed with the Securities and Exchange Commission no later than 120 days after the end of the fiscal year covered by this Form 10-K are incorporated by reference into Part III.

Item 1A. Risk Factors

The following discussion of “risk factors” identifies the most significant factors that may adversely affect our business, operations, financial position or future financial performance. This information should be read in conjunction with Management’s Discussion and Analysis of Financial Condition and Results of Operations and the consolidated financial statements and related notes contained in this report. The following discussion of risks is not all inclusive, but is designed to highlight what we believe are the most significant factors to consider when evaluating our business. These factors could cause our future results to differ from our expectations expressed in the forward-looking statements identified within “Management’s Discussion and Analysis of Financial Condition and Results of Operations,” and from historical trends.

Industry and General Economic Risks

Our industry is characterized by low margins, and periods of significant or prolonged inflation or deflation affect our product costs and may negatively impact our profitability.

The foodservice distribution industry is characterized by relatively high inventory turnover with relatively low profit margins. Volatile food costs have a direct impact on our industry. Periods of significant product cost inflation may have a negative impact on our results of operations to the extent that we are unable to pass on all or a portion of such product cost increases to our customers in a timely manner. In addition, periods of rapidly increasing inflation may negatively impact our business due to the impact of such inflation on discretionary spending by consumers and our limited ability to increase prices in the current, highly competitive environment. Conversely, our business may be adversely impacted by periods of product cost deflation, because we make a significant portion of our sales at prices that are based on the cost of products we sell plus a percentage margin. As a result, our results of operations may be negatively impacted during periods of product cost deflation, even though our gross profit percentage may remain relatively constant.

Unfavorable macroeconomic conditions in North America and Europe, as well as unfavorable conditions in particular local markets, may adversely affect our results of operations and financial condition.

The foodservice industry is characterized by relatively low profit margins with modest demand growth expected in the near-term, and, consequently, our results of operations are susceptible to regional, national and international economic trends and uncertainties. Economic conditions can affect us in the following ways:

- Unfavorable conditions can depress sales and/or gross margins in a given market.
- Food cost and fuel cost inflation experienced by the consumer can lead to reductions in the frequency of dining out and the amount spent by consumers for food-away-from-home purchases, which could negatively impact our business by reducing demand for our products.
- Heightened uncertainty in the financial markets negatively affects consumer confidence and discretionary spending, which can cause disruptions with our customers and suppliers.
- Liquidity issues and the inability of our customers to consistently access credit markets to obtain cash to support their operations can cause temporary interruptions in our ability to conduct day-to-day transactions involving the collection of funds from such customers.
- Liquidity issues and the inability of our suppliers to consistently access credit markets to obtain cash to support their operations can cause temporary interruptions in our ability to obtain the foodservice products and supplies needed by us in the quantities and at the prices requested.

Historically, North America and Europe have experienced, from time to time, deteriorating economic conditions and heightened uncertainty in their financial markets, which adversely impacted business and consumer confidence and spending and depressed capital investment and economic activity in the affected regions. If similar unfavorable economic conditions were to arise in the future, our results of operations and financial condition could be adversely affected.

Economic and political instability and potential unfavorable changes in laws and regulations resulting from the U.K.’s exit from the European Union (the EU) could adversely affect our results of operations and financial condition.

The U.K.’s anticipated exit from the EU and the resulting significant change to the U.K.’s relationship with the EU and with countries outside the EU (and its laws and regulations impacting business conducted between them) could disrupt the overall stability of the U.K. and the EU and otherwise negatively impact our European operations. If changes occur in laws and regulations impacting the flow of goods, services and workers between the U.K. and the EU, our European operations could also be negatively impacted. The completion of the U.K.’s exit from the EU could adversely affect the value of our euro- and pound-denominated assets and obligations. Exchange rates related to the British pound sterling have been more volatile since the U.K. announced it

EXHIBITS 138-139

FILED UNDER SEAL

EXHIBIT 140

Transcripts

Services



Kroger Co. CEO Discusses Q3 2010 - Earnings Call Transcript

Dec. 02, 2010 4:10 PM ET | **The Kroger Co. (KR)**



SA Transcripts

124.02K Followers

Q3: 2010-12-02 Earnings Summary

EPS of \$0.16 **misses by \$0.00** | Revenue of \$18.70B (5.82% Y/Y) **beats by \$186.14M**

Kroger Company (NYSE:[KR](#)) Q3 2010 Earnings Call December 2, 2010 10:00 AM ET

Executives

David Dillon – Chairman, Chief Executive Officer

Rodney McMullen – President, Chief Operating Officer

Michael Schlotman – Senior Vice President, Chief Financial Officer

Carin Fike – Director, Investor Relations

Analysts

Susan Anderson – Citigroup

Scott Mushkin – Jefferies & Company

Karen Short – BMO Capital Markets

Robert Ohmes – Bank of America Merrill Lynch

Edward Kelly – Credit Suisse

Yeah. Robbie, the only thing I would add—a couple things I would add on Dave's comments. If you remember a year ago, corporate brands was picking up huge share. The national brand folks were increasing prices or not reducing prices as some of the deflation that was happening out there, and we thought they were really probably making more profit than they deserved. I think customers reacted by buying a lot more corporate brands, and the rate of growth in corporate brands was significantly more than anything we would have historically expected or experienced. So I think part of it is the national brand folks got tired of losing share and they're getting more aggressive on some of the promotional activities that I mentioned before.

The other thing that I would add on the corporate brands is a big chunk of corporate brand tonnage is dairy, especially milk, and milk is significantly higher this year than a year ago. And whenever you have that kind of increase, you'll always have tonnage declines because people will go back to drinking soft drinks or whatever else versus milk when milk is much higher. So a lot of that was driven by the changes in the milk category.

Robert Ohmes – Bank of America Merrill Lynch

Got it. And just a quick follow-up – as you look to next year and the national brands would obviously be looking to get their prices up, how does the mechanism for that work in terms of less promos versus list prices? And then also, how do you execute that with your loyal households, or how is the response of your loyal households to sort of migrating prices up with national brands versus your average customers?

David Dillon

Well, I hear—part of your question seems to me is to what extent do we think we can pass through costs as they are passed to us by our national brand vendors. Is that the essence of what you're asking?

Robert Ohmes – Bank of America Merrill Lynch

Yeah, I guess I was trying to ask that in a sneaky way, but maybe just some color on how you do that in loyal versus—

David Dillon

Well I'd be happy—I mean, I'll give the answer to that straight up, is that when it comes to grocery-branded products, it's fairly clear what we're doing and how we're approaching this is that as we have cost increases to us, whether it's list cost or reduction of promotional spending, we are passing that through to our customers as the vendors give it to us. And therefore, in my opinion, what the consumer does with that is purely in the hands of the national vendors. So some items you will see when, if you raise prices, you will end up with less tonnage; and the vendors who raise those prices are going to have to deal with what happens with lower tonnage. I think the dynamics of whether they will spend more in promotional money or not will be almost an audible call on the field at the time by the vendors on what do they see in movement and what do they think they need to do. And some, I think, will respond by adding money to promotional spending, and some will respond by saying I guess I'll take my lumps with the lower tonnage and just get through it.

But all of that spells the same picture, is that we view those choices as in the vendors' hands. We push back where we think it's appropriate to push back, but remember, we sell lots of other products; so when somebody raises a price on something and we pass it on to the customer, if that tonnage goes down, the customer most likely will switch to something else that we sell. Sometimes it's Kroger brand, sometimes it's a competing national brand; but in each case, our view is that the decision of retail price in that regard is up to them—up to the vendor, and we think we're going to be able to pass through those and have so far shown success in doing that.

Rodney McMullen

I would just add one other comment to Dave's, and you've heard us talk about this before, but we think it's one of the really important parts of having such a strong corporate brand program overall. Any time a vendor puts a cost through that is not tied to the true economic costing changes, our private label always gains share; and it's a lot harder for the national brand to get it back once somebody's tried the corporate brand item. So for us, we believe that's a huge advantage for us by having such a strong corporate brand program really across all categories, because whenever there is a cost increase that's not tied to the true economics, over time it shows up in market share change.

David Dillon

That's why really we're happy to be selling more national brands and selling more Kroger brands. We like both of those sales.

EXHIBIT 141

Transcripts

Services



SUPERVALU's CEO Discusses Q1 2012 Results - Earnings Call Transcript

Jul. 26, 2011 2:20 PM ET | **SUPERVALU Inc. (SVU)** | 1 Comment



SA Transcripts

124.02K Followers

SUPERVALU (NYSE:[SVU](#)) Q1 2012 Earnings Call July 26, 2011 10:00 AM ET

Executives

Kenneth Levy - Vice President of Investor Relations

Craig Herkert - Chief Executive Officer, President and Director

Sherry Smith - Chief Financial Officer, Principal Accounting Officer and Executive Vice President

Analysts

Edward Kelly - Crédit Suisse AG

John Heinbockel - Guggenheim Securities, LLC

Meredith Adler - Barclays Capital

Scott Mushkin - Jefferies & Company, Inc.

Karen Short - BMO Capital Markets U.S.

Mark Wiltamuth - Morgan Stanley

Deborah Weinstwig - Citigroup Inc

Operator

Sherry Smith

We kept the prices low for the consumer, so we're able to buy in at before the prices went up.

Mark Wiltamuth - Morgan Stanley

Okay. And your -- for your goals of reaching flat gross margins for the year, you're starting off the year here in this first quarter was down 40 basis points or so. How do you expect to make up that gap?

Sherry Smith

So again, we said for the full year. So if you look at our quarters from last year and remind you certainly, our Q3 gross margin rate was impacted from a lot of heavy investments and ineffective promotions. So that's really as we balanced out across the year that again, price investments become offset with promotional effectiveness and shrink, growth of private brands. All of those types of initiatives will blend out to the flat for the full year.

Mark Wiltamuth - Morgan Stanley

Okay. And lastly on the inflation pass-through, it sounds like there's a little bit of a mixed bag. Some of the categories, you were able to pass through, and there were other areas where you just chose not to. Is there any way to quantify how much that was of a drag on margins in the quarter?

Craig Herkert

No. I will tell you, for the most part, Mark, we passed through center store. We passed through inflation, period. And in fact, in the fresh categories, we also passed through inflation, but we might have done so in a particular need to make sure we're watching price points. In no case, did we not pass through inflation. I want to be very clear about that. One thing I think is important to note is our team is taking a very specific and thoughtful approach, Mark, to dealing with not only inflation but the consumer need. And I thought it'd be worthwhile to walk you through a very specific example. In 4th of July, we've seen huge increases in beef costs to run ribeyes in one of our banners. So last year, we ran them at \$3.98 a pound. This year, we passed through inflation, which meant they were going to be \$5.98 a pound. Last year, \$3.98; this year, \$5.98. So we still ramped. They were still in the ad. You can look at the ad. They were still there. But they were downplayed and what we up-played was chicken at \$1.99. We gave our customer a value offering, and we managed our gross margin mix. So let me be real clear, we are, in fact, passing inflation. The difference that you heard me talk about might be in certain categories. We mentioned dairy or maybe we would look at some penny pass-through versus rate pass-through, but we're managing it market by market and category or item by item. We are passing through inflation.

Operator

And our next question comes from the line of Deborah Weinswig with Citi.

Deborah Weinswig - Citigroup Inc

On the -- as we think about IDs going forward, Craig, would you expect them to be driven more by traffic or ticket? So many different initiatives in place, it's hard to kind of parse it all out.

Craig Herkert

EXHIBITS 142-148

FILED UNDER SEAL

EXHIBIT 149

FINAL TRANSCRIPT

Thomson StreetEventsSM

TSN - Q2 2011 Tyson Foods Earnings Conference Call

Event Date/Time: May. 09, 2011 / 1:00PM GMT

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THOMSON REUTERS

TF-P-001131638

FINAL TRANSCRIPT

May. 09. 2011 / 1:00PM, TSN - Q2 2011 Tyson Foods Earnings Conference Call

For the consumer, my understanding is that in the past, despite the material inflation in raw material costs, the retailer had been acting as a little bit of a shock absorber relative to the consumer. So I'm just wondering if some of the demand weakness is also related to the consumer actually seeing higher sticker prices in the last few weeks? Can you help us with that?

Jim Lochner - Tyson Foods, Inc. - COO

Yes, I would say the retail prices for beef and pork have been climbing -- inclining, rather. They were up about 11%, 12%. And yes, I'm guessing that the consumer did see a shift. Again, I think that's favorable over the long run to chicken prices, but the market will always do it job, is always the saying. And when the consumer does see it as a pass -- as our customers pass along higher wholesale prices, the consumer does see it and there potentially are shifts.

Interestingly, chicken moves the least -- up the least at 3% during that last 13-week period and had the least influence negatively on pounds which are all virtually flat or down slightly compared to the pound declines that we saw at retail in beef and pork. So the market is doing its job in passing on higher prices and the consumer adjusting accordingly, and you're seeing that in a variety of other food-based products as well, where you are seeing wheat-based and dairy-based products going up.

So, even with all these changes, again, as the wholesale prices did correct, we have been able to maintain a spread throughout this correction, in particularly those spread businesses in beef and pork.

Vincent Andrews - Morgan Stanley - Analyst

Okay. It just seems to me that (multiple speakers)

Jim Lochner - Tyson Foods, Inc. - COO

(multiple speakers) you are seeing it right, but that dynamic didn't surprise us, and the market again, makes those adjustments. And I've always got to emphasize, in beef and pork, and I already stated that, that the livestock costs did correct as the wholesale cuts did correct down.

Vincent Andrews - Morgan Stanley - Analyst

Sure, no, fair enough. And then maybe just a follow-up on the chicken questions. One of your competitors I guess last week or the week before sort of was -- or my take on their comments was that they were willing to produce as long as they were EBITDA breakeven in chicken. And it seems like that's sort of where the industry is today. How do you feel about that metric?

Jim Lochner - Tyson Foods, Inc. - COO

We look at trying to make money, and EBITDA is not the metric we use. But we are extremely focused, as Donnie has already said, on driving revenue through a combination of mix and price, and hitting all our yield parameters that we set targets for. So we fully recognize or get paid for the inflated input costs, but price is a mechanism as well, and one of the mechanisms on driving revenue. So, we are targeted. As we've said, we think we will be fine and make money in chicken on an EBIT basis, operating income basis, in Q3 and Q4.

Vincent Andrews - Morgan Stanley - Analyst

Okay. Thanks very much.



EXHIBIT 150



HAGENS BERMAN

Auto Cases 1-888-381-2889 Email Tip Line [f](#) [t](#) [s](#)

CASES ATTORNEYS NEWS & INSIGHT ABOUT PRACTICES SUCCESS BLOG

Trailblazer

Leading Partner, Steve Berman,
Wins' Trailblazer Award

...
It states that 14.7 million people have bee

A screenshot of the Hagens Berman website. At the top, there are links for "Auto Cases", a phone number "1-888-381-2889", "Email", "Tip Line", and social media icons for Facebook, Twitter, and LinkedIn. Below that is a navigation menu with links for "CASES", "ATTORNEYS", "NEWS & INSIGHT", "ABOUT", "PRACTICES", "SUCCESS", and "BLOG". A large, prominent image of a man in a suit and tie, identified as "Leading Partner, Steve Berman", is displayed. Below the image, the text "Wins' Trailblazer Award" is visible. At the bottom of the page, a quote from the website states: "It states that 14.7 million people have bee".



Hagens Berman is a leader in class-action litigation and an international law firm driven by a team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.

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INTRODUCTION

The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs, victims and the underdog. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

We are one of the nation's leading class-action law firms and have earned an international reputation for excellence and innovation in groundbreaking litigation against large corporations.

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, sexual harassment, securities and investment fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

WE WIN. We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain the maximum recovery. Our opponents know we are determined and tenacious and they respect our skills and recognize our track record of achieving top results.

WHAT MAKES US DIFFERENT. We are driven to return to the class every possible portion of its damages—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful result for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and/or malfeasance.

AN INTERNATIONAL REACH. The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Austin, Berkeley, Boston, Chicago, Los Angeles, New York, Phoenix and San Diego and one international office in London, and our eyes are always open to trends of fraud, negligence and wrongdoing that may be taking form anywhere in the world. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country and have a vested interest in fighting global instances of oppression, wrongdoing and injustice.

INTRODUCTION

Locations

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(619) 929-3340 phone

...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.

— Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

Class counsel has **consistently demonstrated extraordinary skill and effort.**

— U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

Berman is considered **one of the nation’s top class-action lawyers.**

— Associated Press

Elite Trial Lawyers

The National Law Journal

The Plaintiffs' Hot List: The Year's Hottest Firms

The National Law Journal

Most Feared Plaintiffs Firms

Law360

Landmark consumer cases are business as usual for Steve Berman.

— *The National Law Journal*, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

[A] **clear choice** emerges. That choice is the Hagens Berman firm.

— U.S. District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that **the results are exceptional...**

You did an exceptionally good job at organizing and managing the case...

— U.S. District Court for the Northern District of California, *In re Dynamic Random Access Memory Antitrust Litigation* (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this suit related to the automaker's Dieselgate scandal. A **\$1.6 billion** settlement was reached, and represents a result of nearly full damages for the class.

VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the Plaintiffs' Steering Committee and part of the Settlement Negotiating team in this monumental case that culminated in the largest automotive settlement in history – **\$17.4 billion**.

TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$260 billion**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman served as co-lead counsel in this matter and secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

LCD ANTITRUST LITIGATION

Hagens Berman served as a member of the Executive Committee representing consumers against multiple defendants in multi-district litigation. The total settlements exceeded **\$470 million**.

MCKESSON DRUG LITIGATION

Hagens Berman was lead counsel in these racketeering cases against McKesson for drug pricing fraud that settled for more than **\$444 million** on the eve of trials.

DAVITA HEALTHCARE PERSONAL INJURY LITIGATION

A Denver jury awarded a monumental **\$383.5 million** jury verdict against GranuFlo dialysis provider DaVita Inc. on June 27, 2018, to families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics.

DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

AVERAGE WHOLESALE PRICE DRUG LITIGATION

Hagens Berman was co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of **\$338 million** in settlements.

ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of **\$250 million**, the largest ERISA settlement in history.

CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund; a **\$235 million** class settlement was approved by the court.

Practice Areas

PRACTICE AREAS

Anti-Terrorism

With a long track record of upholding the rights of the voiceless, Hagens Berman fights for justice on behalf of victims of international terrorism. Our anti-terrorism legal team builds on our robust history to forge innovative cases, bringing action against those that support terrorism.

Hagens Berman has always believed in fighting for the rights of those with no voice – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

It's no secret that some businesses and individuals have pled guilty to violating United States laws that prohibit financial transactions with terrorist organizations and foreign states that support terrorism. We believe that the law is one of the most powerful tools to combat terrorism, and our renowned team of litigators brings a fresh perspective to the fight for victims' rights in this complex arena.

Through a deep understanding of both U.S. and international anti-terrorism laws, Hagens Berman builds on its foundation to investigate acts of terrorism and forge ironclad cases against anyone responsible, to help ensure that those at the mercy of the world's most egregious perpetrators of violence are represented with the utmost integrity and determination.

The firm's new practice area carries out our mission of building a safer world through novel applications of the law and steadfast dedication.

› **Chiquita Bananas**

Hagens Berman represents American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions that were controlled by the terrorists. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice

Chiquita was placed on corporate probation and paid a \$25 million dollar fine because of its conduct in Colombia.

Plaintiffs have sued Chiquita under the U.S. Anti-Terrorism Act, which allows American victims of international terrorism to sue anyone responsible and to recover treble damages and attorney's fees. The claims are pending in the U.S. District Court for the Southern District of Florida as part of the consolidated multi-district litigation to resolve claims related to Chiquita's payments to Colombian terrorist organizations.

PRACTICE AREAS

Antitrust

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

› Visa/MasterCard

Helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard that challenged charges imposed in connection with debit cards.

RESULT: \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

› NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players.

RESULT: \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

› Apple E-books

With state attorneys general, the firm secured a \$166 million settlement with publishing companies that conspired with Apple to fix e-book prices. The firm then look on Apple for its part in the price-fixing conspiracy. In the final stage in the lawsuit, the Supreme Court denied appeal from Apple, bringing the consumer payback amount to more than twice the amount of losses suffered by the class of e-book purchasers. This represents one of the most successful recovery of damages in any antitrust lawsuit in the country.

RESULT: \$560 million total settlements.

PRACTICE AREAS

Antitrust

› Animation Workers Antitrust

Hagens Berman represents a nationwide class of animators and other artistic workers in an antitrust class-action case filed against defendants Pixar, Lucasfilm and its division Industrial Light & Magic, DreamWorks Animation, The Walt Disney Company, Sony Pictures Animation, Sony Pictures Imageworks, Blue Sky Studios, ImageMovers LLC, ImageMovers Digital LLC and others.

RESULT: Total settlements have reached \$168 million, resulting in a payment of more than \$13,000 per class member.

› TFT LCDs

Hagens Berman Sobol Shapiro filed a class-action lawsuit against several major manufacturers of TFT LCD products, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of televisions, desktop and notebook computer monitors, mobile phones, personal digital assistants (PDAs) and other devices. After years of representing consumers against multiple defendants in multi-district litigation, the case against Toshiba went to trial. Toshiba was found guilty of price-fixing in 2012, and settled.

RESULT: \$470 million in total settlements.

› DRAM

The suit claimed DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

RESULT: \$375 million settlement.

› Optical Disk Drives

Hagens Berman fought on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of ODDs for consumers.

RESULT: \$180 million in total settlements reclaimed for consumers.

› Lithium Ion Batteries

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers including Sony, Samsung and Panasonic for illegally fixing the price of lithium ion batteries, pushing costs higher for consumers. Defendants collectively controlled between 60 to 90 percent of the market for lithium-ion batteries between 2000 and 2011 and used that power to fix battery prices.

RESULT: \$65 million in total settlements against multiple defendants.

› AC Nielsen

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

RESULT: \$55 million settlement.

› Dairy Products

The firm filed a class-action suit against several large players in the dairy industry, including the National Milk Producers Federation, Dairy Farmers of America, Land O'Lakes, Inc., Agri-Mark, Inc. and Cooperatives Working Together (CWT) that together produce nearly 70 percent of the milk consumed in the United States. The suit alleging that the groups conspired to fix the price of milk throughout the United States through an organized scheme to limit production, involving the needless and premature slaughtering of 500,000 cows.

RESULT: \$52 million settlement on behalf of consumers in 15 states and the District of Columbia who purchased dairy products.

› Toys "R" Us Baby Products

The firm brought this complaint on behalf of consumers claiming Toys "R" Us and several baby product manufacturers violated provisions of the Sherman Antitrust Act by conspiring to inflate prices of high-end baby products, including car seats, strollers, high chairs, crib bedding, breast pumps and infant carriers. The suit asked the court to end what it claims are anti-competitive activities and seeks damages caused by the company's actions.

RESULT: \$35.5 million settlement.

PRACTICE AREAS

Antitrust

› EA Madden

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

RESULT: \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

› Resistors Antitrust Litigation

Hagens Berman is co-lead lead counsel, representing direct purchasers of linear resistors (a device in electronics used to limit electric current) against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade. The case is in its early stages and discovery is ongoing.

› Nespresso

Hagens Berman has assumed responsibility for a large antitrust case against Nespresso, a leading single-serve espresso and coffee maker, for its anticompetitive efforts to exclude environmentally friendly, biodegradable coffee capsules from the market.

In May 2010, our client Ethical Coffee Company ("ECC") sought to introduce an environmentally sound and more economical coffee capsule to be used in Nespresso's widely used coffee makers. It manufactured a single-use coffee capsule that did not contain harmful aluminum found in Nespresso's capsules. Nespresso knew that ECC posed a formidable challenge to its business model, which relied on captive consumers buying coffee capsules only from Nespresso. With a captive market, Nespresso could continue to charge consumers an inflated price, and continue to use the aluminum capsules that harm the environment. The U.S. Court has already ruled that these claims can proceed to discovery. Hagens Berman anticipates damages associated with Nespresso's actions to be in the hundreds of millions of dollars.

PRACTICE AREAS

Automotive - Non-Emissions Cases

In litigating cases we strive to make an impact for a large volume of consumers, especially those who fall victim to the gross negligence and oversight of some of the nation's largest entities: automakers. Hagens Berman's automotive litigation team has been named a 2016 Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence," in this area of law.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from more than 70 law firms applying for the role. Since then, the firm's automotive practice area has grown by leaps and bounds, pioneering new investigations into defects, false marketing and safety hazards affecting millions of drivers across the nation.

The firm was recently named to the National Law Journal's list of Elite Trial Lawyers for its work fighting corporate wrongdoing in the automotive industry. The firm's auto team members who worked on Toyota were also named finalists for Public Justice's Trial Lawyer of the Year award.

› General Motors Ignition Switch Litigation

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy.

› Toyota Sudden, Unintended Acceleration Litigation

Co-lead counsel for the economic loss class in this lawsuit filed on behalf of Toyota owners alleging a defect causes vehicles to undergo sudden, unintended acceleration. In addition to safety risks, consumers suffered economic loss from decreased value of Toyota vehicles following media coverage of the alleged defect.

RESULT: Settlement package valued at up to \$1.6 billion, which was at the time the largest automotive settlement in history.

› MyFord Touch

Hagens Berman represents owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the system is flawed, putting drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that purportedly show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits. A federal judge overseeing the case recently certified nine subclasses of owners of affected vehicles in various states.

› Nissan Quest Accelerator Litigation

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down. **RESULT:** Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage.

› Hyundai Kia MPG

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.

RESULT: \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

PRACTICE AREAS

Automotive - Non-Emissions Cases

› **BMW i3 REx**

Hagens Berman is representing BMW owners in a national class-action lawsuit, following reports that BMW's i3 REx model electric cars contain a defect that causes them to suddenly and without warning lose speed and power mid-drive, putting drivers and passengers at risk of crash and injury.

› **Fiat Chrysler Gear Shifter Rollaway Defect**

Hagens Berman has filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles. The lawsuit states that Fiat Chrysler fraudulently concealed and failed to remedy a design defect in 811,000 vehicles that can cause cars to roll away after they are parked, causing injuries, accidents and other serious unintended consequences.

› **Ford Shelby GT350 Mustang Overheating**

Hagens Berman represents owners of certain 2016 Shelby GT350 Mustang models in a case alleging that Ford has sold these vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of a transmission and differential coolers can greatly diminish the vehicle's reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode, while in use, even when the car is not being tracked

› **Tesla AP2 Defect**

The firm represents Tesla owners in a lawsuit against the automaker for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that still has not met Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017.

PRACTICE AREAS

Automotive - Emissions Litigation

Having played a lead role in the record-breaking Volkswagen diesel emissions case, Hagens Berman knew the story wasn't over. Since the Dieselgate scandal began, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. The firm has become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

When news broke in 2015 of Volkswagen's massive diesel emissions-cheating scandal, Hagens Berman was the first firm in the nation to file suit against the automaker for its egregious fraud, going on to represent thousands of owners in litigation and take a leading role on the Plaintiffs' Steering Committee that would finalize a \$14.7 billion, record-breaking settlement for owners. Since this case emerged, Hagens Berman has been on the forefront of emissions litigation, relying on our legal team's steadfast and intensive investigative skills to unearth many other emissions-cheating schemes perpetrated by General Motors, Fiat Chrysler, Mercedes and other automakers, staying one step ahead of government regulators in our pursuit of car manufacturers that have violated emissions standards and regulations, as well as consumer confidence.

Hagens Berman's managing partner, Steve Berman, has dedicated the firm's resources to upholding the rights of consumers and the environment, becoming a one-man EPA. The firm is uniquely dedicated to this cause, and is the only firm that has purchased an emission testing machine to determine if other diesel car manufacturers install similar cheating devices, bringing new cases based on the firm's own research, time and testing.

› Volkswagen Diesel Emissions Litigation

Hagens Berman was the first firm in the nation to file a lawsuit against Volkswagen for its emissions fraud, seeking swift remedies for consumers affected by Volkswagen's fraud and violation of state regulations. The firm was named to the Plaintiffs' Steering Committee leading the national fight against VW, Porsche and Audi on behalf of owners and lessors of affected vehicles, and also served as part of the Settlement Negotiating team.

RESULT: The largest automotive settlement in history, \$14.7 billion.

› Volkswagen Dealers Litigation

Hagens Berman served as lead counsel in a first-of-its-kind lawsuit brought by a franchise dealer. Three family-owned Volkswagen dealers filed a class action against VW stating that it intentionally defrauded dealers by installing so-called "defeat devices" in its diesel cars, and separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others and illegally channeled financing business to VW affiliate, Volkswagen Credit, Inc. The settlement garnered nearly unanimous approval of dealers, with 99 percent participation in the settlement.

RESULT: \$1.67 billion in benefits to Volkswagen dealers.

› Mercedes BlueTEC Emissions Litigation

Judge Jose L. Linares appointed the firm as interim class counsel in this class-action case against Mercedes concerning emissions of its BlueTEC diesel vehicles. Hagens Berman currently represents thousands of vehicle owners who were told by Mercedes that their diesel cars were "the world's cleanest and most advanced diesel," when in fact testing at highway speeds, at low temperatures, and at variable speeds, indicate a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard. The lawsuit adds that testing at low temperatures at variable speeds produced emissions as high as 30.8 times the standard.

PRACTICE AREAS

Automotive - Emissions Litigation

› Chevy Cruze Diesel Emissions Litigation

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, the firm's testing has revealed emissions released at up to 13 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld claims brought by owners.

› Audi Emissions Litigation

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm's investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO₂ emissions, but otherwise allows excessive CO₂ emissions in normal, on-road driving.

› Fiat Chrysler EcoDiesel Emissions Litigation

The firm is leading charges against Fiat Chrysler that it sold hundreds of thousands of EcoDiesel-branded vehicles that release illegally high levels of NOx emissions, despite explicitly selling these "Eco" diesels to consumers who wanted a more environmentally friendly vehicle. Hagens Berman was the first firm in the nation to uncover this scheme and file against Fiat Chrysler on behalf of owners of Dodge RAM 1500 and Jeep Grand Cherokee EcoDiesel vehicles. Following the firm's groundbreaking suit, the EPA took notice, filing formal accusations against Fiat Chrysler.

› Dodge RAM 2500/3500 Diesel Emissions Litigation

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions at up to 14 times the legal limit. This defect causes certain parts to wear out more quickly, potentially costing owners between \$3,000 and 5,000 to fix. The firm is leading a national class action against Fiat Chrysler for knowingly inducing consumers to pay premium prices for vehicles that fail to comply with federal regulations, and ultimately lead to higher costs of repairs for purchasers.

› General Motors Duramax Emissions Litigation

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed multiple emissions-masking defeat devices in its Duramax trucks, including Chevy Silverado and GMC Sierra models, in a cover-up akin to Volkswagen's Dieselgate concealment. In real world conditions the trucks emit 2 to 5 times the legal limit of deadly NOx pollutants, and the emissions cheating devices are installed in an estimated 705,000 affected vehicles.

PRACTICE AREAS

Civil and Human Rights

Hagens Berman has represented individuals and organizations in difficult civil rights challenges that have arisen in the past two decades. In doing so, we have managed cases presenting complex legal and factual issues that are often related to highly charged political and historical events. Our clients have included such diverse communities as World War II prisoners of war, conscripted civilians and entire villages.

In this cutting-edge practice area, the firm vigilantly keeps abreast of new state and national legislation and case-law developments. We achieve positive precedents by zealously prosecuting in our clients' interests. Some examples of our work in this area include:

› **World Trade Organization Protests**

During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas. Hundreds of peaceful protesters were arrested and incarcerated without probable cause for up to four days. The firm won a jury trial on liability and ultimately secured a settlement from Seattle officials after filing a class action alleging violations of the First and Fourth Amendments.

› **Hungarian Gold Train**

Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers against the U.S. on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded plaintiffs' valuable personal property onto a train, which the U.S. Army later seized, never returning the property to its owners and heirs.

› **Dole Bananas**

Hagens Berman filed suit against the Dole Food Company, alleging that it misled consumers about its environmental record. The complaint alleged that Dole purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents. Dole ultimately agreed to take action to improve environmental conditions, collaborating with a non-profit group on a water filtration project for local communities.

PRACTICE AREAS

Consumer Protection - General Class Litigation

Hagens Berman is a leader in protecting consumers, representing millions in large-scale cases that challenge unfair, deceptive and fraudulent practices.

We realize that consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics. We believe that when backed by a tenacious spirit and determination, class action cases have the ability to serve as a powerful line of defense in consumer protection.

Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution.

Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a variety of practices such as:

- › False, deceptive advertising of consumer products and services
- › False billing and over-charging by credit card companies, banks, telecommunications providers, power companies, hospitals, insurance plans, shipping companies, airlines and Internet companies
- › Deceptive practices in selling insurance and financial products and services such as life insurance and annuities
- › Predatory and other unfair lending practices, and fraudulent activities related to home purchases

A few case examples are:

› **Expedia Hotel Taxes and Service Fees Litigation**

Hagens Berman led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act

and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

RESULT: Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

› **Stericycle**

The firm served as court-appointed lead counsel in a class-action lawsuit against Stericycle alleging that the company violated contracts and defrauded them by hundreds of millions of dollars through an automatic price-increasing scheme. In February of 2017, a federal judge certified a nationwide consumer class. The class had more than 246,000 class members, with damages estimated preliminarily at \$608 million.

RESULT: \$295 million settlement

› **Tenet Healthcare**

In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

RESULT: Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

PRACTICE AREAS

Consumer Protection - General Class Litigation

› **Wells Fargo Force-Placed Insurance**

Hagens Berman brought a case against Wells Fargo alleging it used “force-placed” insurance clauses in mortgage agreements, a practice that enables the bank to charge homeowners insurance premiums up to 10 times higher than normal rates.

RESULT: Hagens Berman reached a settlement in this case, under which all class members will be sent checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members’ properties.

› **Consumer Insurance Litigation**

Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases have succeeded in expanding coverage owed and providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums from the misleading tactics of the insurer.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, pharmaceutical manufacturers have been among the most profitable companies in America. But while pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription and over-the-counter drugs and supplements. We shine the light of public scrutiny on this industry's practices and represent individuals, direct and indirect purchasers, and the nation's most forward-thinking public-interest groups.

The firm's pharmaceutical and dietary supplement litigation practice is second to none in the nation in terms of expertise, commitment and landmark results. Hagens Berman's attorneys have argued suits against dozens of major drug companies and the firm's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

RECENT ANTITRUST RESOLUTIONS

In the last few years, Hagens Berman – as lead or co-lead class counsel – has garnered significant settlements in several antitrust cases involving prescription drugs. In each case, the plaintiffs alleged that a manufacturer of a brand-name drug violated federal or state antitrust laws by delaying generic competitors from coming to market, forcing purchasers to buy the more expensive brand name version instead of the generic equivalent. Examples of our recent successes include:

› Flonase Antitrust Litigation

Hagens Berman represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase, all to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

RESULT: \$150 million class settlement.

› Prograf Antitrust Litigation

Hagens Berman represented purchasers who alleged Astellas Pharma US, Inc. unlawfully maintained its monopoly and prevented generic competition for Prograf, an immunosuppressant used to help prevent organ rejection in transplant patients, harming purchasers by forcing them to pay inflated brand name prices for longer than they should have absent the anticompetitive conduct.

RESULT: The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

› Relafen Antitrust Litigation

Hagens Berman filed a class-action lawsuit against GlaxoSmithKline, SmithKline Beecham Corporation, Beecham Group PLC and SmithKline Beecham PLC, on behalf of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. The suit alleged that the companies who manufacture and sell Relafen unlawfully obtained a patent which allowed them to enforce a monopoly over Relafen and prevented competition by generic prescription drugs, causing consumers to pay inflated prices for the drug.

RESULT: Under the terms of the settlement, the defendants will pay damages of \$75 million to those included in the class. Of the total settlement amount, \$25 million will be allocated to consumers and \$50 million will be used to pay the claims of insurers and other third-party payors.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

› Skelaxin Antitrust Litigation

The firm represented purchasers in this case alleging King Pharmaceuticals LLC and Mutual Pharmaceutical Company alleging conspired to suppress generic competition and preserve King's monopoly in the market for the brand name muscle relaxant Skelaxin.

RESULT: \$73 million class settlement.

› Tricor Antitrust

In June 2005, Hagens Berman filed an antitrust lawsuit on behalf of a class of consumers and third party payors against pharmaceutical manufacturers Abbott Laboratories and Fournier Industries concerning the brand name cholesterol drug Tricor. HBSS was appointed co-lead class counsel by the Court.

RESULT: \$65.7 million recovery for consumers and third party payers who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor.

FRAUDULENT DRUG PRICING RESOLUTIONS

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

› McKesson and First DataBank Drug Litigation

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

RESULT: \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

› Average Wholesale Price Drug Litigation

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

RESULT: Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

FRAUDULENT MARKETING RESOLUTIONS

Hagens Berman also litigates against drug companies that fraudulently promote drugs for uses not approved by the Food and Drug Administration (FDA), commonly known as "off-label" uses. We also litigate cases against dietary supplement manufacturers for making false claims about their products. Recent successes include:

› Neurontin Third Party Payor Litigation

Hagens Berman served as co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA.

RESULT: A jury returned a \$47 million verdict in favor of a single third-party payor plaintiff, automatically trebled to \$142 million, and the court recently approved a \$325 million class settlement.

› Lupron

Hagens Berman prosecuted a lawsuit against TAP Pharmaceuticals Products, Inc. on behalf of a class of consumers and third-party payors who purchased the drug Lupron. The suit charged that TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Pharmaceutical Company Limited conspired to fraudulently market, sell and distribute Lupron, causing consumers to pay inflated prices for the drug.

RESULT: Judge Richard Stearns issued a preliminary approval of the proposed settlement between TAP Pharmaceuticals and the class. Under the terms of the settlement, \$150 million will be paid by TAP on behalf of all defendants.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

› Celebrex/Bextra

Hagens Berman filed a class-action lawsuit against Pfizer on behalf of individual consumers and third-party payors who paid for the drug Bextra. The firm was praised by Judge Breyer for its “unstinting” efforts on behalf of the class, adding, “The attorneys on both sides were sophisticated, skilled, professional counsel whose object was to zealously pursue their clients’ interest, but not at the cost of abandoning the appropriate litigation goals, which were to see, whether or not, based upon the merits of the cases, a settlement could be achieved.”

RESULT: \$89 million settlement.

› Vioxx Third Party Payor Marketing and Sales Practices

Litigation

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit,

The drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

RESULT: \$80 million settlement.

› Serono Drug Litigation

Hagens Berman served as lead counsel for a class of consumers and third party payors in a suit alleging that global biotechnology company Serono, Inc. schemed to substantially increase sales of the AIDS drug Serostim by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.

RESULT: \$24 million settlement.

› Bayer Combination Aspirin/Supplement Litigation

Hagens Berman served as lead counsel on behalf of consumers in a suit alleging that Bayer Healthcare LLC deceptively marketed Bayer® Women’s Low-Dose Aspirin + Calcium, an 81 mg aspirin pill combined with calcium, and Bayer® Aspirin With Heart Advantage, an 81 mg aspirin pill combined with phytosterols. Plaintiffs alleged that Bayer overcharged consumers for these products or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits, and were inappropriate for long-term use.

RESULT: \$15 million settlement.

OTHER LANDMARK CASES

› New England Compounding Center Meningitis Outbreak

In 2012, the Center for Disease Control confirmed that New England Compounding Center sold at least 17,000 potentially tainted steroid shots to 75 clinics in 23 states across the country, resulting in more than 64 deaths and 751 cases of fungal meningitis, stroke or paraspinal/peripheral joint infection. HBSS attorneys Thomas M. Sobol and Kristen A. Johnson serve as Court-appointed Lead Counsel for the Plaintiffs’ Steering Committee on behalf of plaintiff-victims in MDL 2419 consolidated before The Honorable Ray W. Zobel in the United States District Court for the District of Massachusetts.

RESULT: \$100 million settlement.

PRACTICE AREAS

Employment Litigation

Hagens Berman takes special interest in protecting workers from exploitation or abuse. We take on race and gender discrimination, immigrant worker issues, wage and hour issues, on-the-job injury settlements and other crucial workplace issues.

Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace. We take a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Representative cases include:

› CB Richard Ellis Sexual Harassment Litigation

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

› Costco Wholesale Corporation Wage & Hour Litigation

Filed a class action against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees, alleging that the company misclassified them as "exempt" executives, denying these employees overtime compensation, meal breaks and other employment benefits.

RESULT: \$15 million cash settlement on behalf of the class.

› Washington State Ferry Workers Wage Litigation

Represented "on-call" seamen who alleged that they were not paid for being "on call" in violation of federal and state law.

RESULT: Better working conditions for the employees and rearrangement in work assignments and the "on-call" system.

› SunDance Rehabilitation Corporation

Filed a class action against SunDance challenging illegal wage manipulation, inconsistent contracts and other compensation tricks used to force caregivers to work unpaid overtime.

RESULT: \$3 million settlement of stock to be distributed out of the company's bankruptcy estate.

› Schneider National Carriers - Regional Drivers

The firm represents a certified class of regional drivers in a suit filed against Schneider National Carriers, claiming that the company failed to pay its workers for all of their on duty time devoted to a variety of work tasks, including vehicle inspections, fueling, and waiting on customers and assignments. The suit also claims that the company does not provide proper meal and rest breaks and the company is liable for substantial penalties under the California Labor Code.

RESULT: A \$28 million settlement on behalf of drivers.

› Schneider National Carriers - Mechanics

Hagens Berman filed a class-action lawsuit alleging that Schneider National Carriers failed to provide mechanics with proper overtime compensation, meal and rest break premiums, and accurate wage statements as required by California law.

RESULT: In March of 2013, the case was settled on terms mutually acceptable to the parties.

PRACTICE AREAS

Employment Litigation

› **Swift Transportation Co. of Arizona LLC**

The firm represents a certified class of Washington-based truck drivers against Swift Transportation. The suit alleges that Swift failed to pay the drivers overtime and other earned wages in violation of Washington state law.

An agreement to settle the case was granted preliminary approval in October 2018. Final approval is pending.

PRACTICE AREAS

Environmental Litigation

Since Hagens Berman's founding, the firm has sought to work toward one simple goal: work for the greater good. Hagens Berman has established a nationally recognized environmental litigation practice, having handled several landmark cases in the Northwest, the nation and internationally.

Hagens Berman believes that protecting and restoring our environment from damage caused by irresponsible and illegal corporate action is some of the most rewarding work a law firm can do. As our firm has grown, we have established an internationally recognized environmental litigation practice.

SCIENCE AND THE LAW

Hagens Berman's success in environmental litigation stems from a deep understanding of the medical and environmental science that measures potential hazards. That expertise is translated into the courtroom as our attorneys explain those hazards to a judge or jury in easily understood terms.

ENVIRONMENTAL EXPERTS

Our firm's fostered deep relationships with top-notch environmental experts result in resonating arguments and court victories, as well as thoroughly researched and vetted investigations.

REAL IMPACTS

Environmental law is a priority at our firm and we have taken an active role in expanding this practice area. In 2003, Steve Berman and his wife Kathy worked with the University of Washington to create the Kathy and Steve Berman Environmental Law Clinic, giving law students the training and opportunities needed to become hands-on advocates for the environment.

Hagens Berman's significant environmental cases include:

Exxon Valdez Oil Spill Litigation

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas who were damaged by one of the worst oil spills in United States history.

RESULT: A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline.

Chinook Ferry Litigation

The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue caused environmental havoc and property damage, compelling property owners to act. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service

RESULT: A \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in Washington state.

Grand Canyon Litigation

The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park.

RESULT: The trial court enjoined the project.

Kerr-McGee Radiation Case

The firm brought a class action on behalf of residents of West Chicago, Illinois who were exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee.

RESULT: A medical monitoring settlement valued in excess of \$5 million

Skagit Valley Flood Litigation

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months.

RESULT: Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

PRACTICE AREAS

Environmental Litigation

› Idaho Grass Burning Case

In 2002, Hagens Berman brought a class-action lawsuit on behalf of Idaho residents who claimed grass-burning farmers released more than 785 tons of pollutants into the air, including concentrations of polycyclic aromatic hydrocarbons (PAHs), proven carcinogens. Burning the fields annually caused serious health problems, especially to those with respiratory ailments such as cystic fibrosis and asthma. The suit also asserted that Idaho's grass burning policies are far below the standards of other states such as neighboring Washington, where farmers use other techniques to remove grass residue from the fields.

RESULT: The lawsuit settled in 2006 under confidential terms.

› Dole Bananas Case

The firm took on Dole Food Company Inc. in a class-action lawsuit claiming the world's largest fruit and vegetable company lied to consumers about its environmental record and banana-growing practices. The suit alleged that Dole misrepresented its commitment to the environment in selling bananas from a Guatemalan banana plantation that did not comply with proper environmental practices.

RESULT: The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.

› Diesel Emissions Litigation

Second to none in uncovering emissions-cheating, the firm has dedicated its time and resources to breaking up the dirty diesel ring. After filing the first lawsuit in the country against Volkswagen, Audi and Porsche for its massive Dieselgate scandal in 2015, the firm went on to unmask emissions-cheating devices installed in vehicles made by Fiat Chrysler, Mercedes and General Motors and continues to investigate diesel cars for excessive, illegal and environmentally harmful levels of emissions.

RESULT: The firm's independently researched active cases have led to investigations by the EPA, DOJ and European authorities.

› San Francisco and Oakland Climate Change Litigation

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case

seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

› Florida Sugarcane Burning

Hagens Berman filed a class-action lawsuit against the sugar industry's largest entities on behalf of residents of various areas and townships of Florida that have long suffered from the corporations' wildly hazardous and damaging methods of harvesting sugarcane. The lawsuit states that this outdated method of harvesting has wreaked havoc on these Florida communities. The wildly archaic method of harvesting brings devastating toxic smoke and ash, often called "black snow," raining onto poor Florida communities for six months of the year. The lawsuit's defendants, commonly known as Big Sugar, farm sugarcane on approximately 400,000 acres in the area south and southeast of Lake Okeechobee.

› Kivalina Global Warming Litigation

A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming are leading to the destruction of their village and causing erosion to the land that will eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.

› Cane Run Power Plant Coal Ash Case

In 2013, Hagens Berman filed a class-action lawsuit against Louisville Gas and Electric Company alleging it illegally dumped waste from a coal-fired power plant onto neighboring property and homes where thousands of Kentucky residents live. According to the complaint, Louisville Gas and Electric Company's Cane Run Power Plant is fueled by the burning of coal, which also produces coal combustion byproducts—primarily fly ash and bottom ash—that contain significant quantities of toxic materials, including arsenic, chromium and lead. The dust spewed by Cane Run contains known carcinogens, posing significant potential health hazards.

PRACTICE AREAS

Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation. Successes on behalf of government clients include:

› Big Tobacco

We represented 13 states in landmark Medicaid-recoupment litigation against the country's major tobacco companies. Only two states took cases to trial – Washington and Minnesota. The firm served as trial counsel for the state of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. This approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits-disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

RESULT: \$260 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

› McKesson Average Wholesale Price Litigation

This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well.

RESULT: Hagens Berman has started the AWP class action, which resulted in many states filing cases. The firm represented several of those states in successful litigation.

› McKesson Government Litigation

On the heels of Hagens Berman's class action against McKesson, the firm led lawsuits by states (Connecticut, Utah, Virginia, Montana, Arizona).

RESULT: These states obtained recoveries three to seven times larger than states settling in the multi-state Attorneys General settlement. In addition, the firm obtained \$12.5 million for the City of San Francisco and \$82 million for a nationwide class of public payors.

› Zyprexa Marketing & Sales Practices Litigation - Connecticut

Hagens Berman served as outside counsel to then-Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

RESULT: \$25 million settlement.

› General Motors Ignition Switch Litigation

Hagens Berman is pleased to be assisting the Arizona Attorney General in its law enforcement action versus GM, as well as the district attorney of Orange County, California who filed a consumer protection lawsuit against GM, claiming the automaker deliberately endangered motorists and the public by intentionally concealing widespread, serious safety defects.

PRACTICE AREAS

Governmental Representation

› State Opioid Litigation

Hagens Berman was hired to assist multiple municipalities in lawsuits brought against large pharmaceutical manufacturers including Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis charging that these companies and others deceived physicians and consumers about the dangers of prescription painkillers.

The firm was first hired by California governmental entities for the counties of Orange and Santa Clara. The state of Mississippi also retained the firm's counsel in its state suit brought against the manufacturer of opioids. The suit alleges that the pharma companies engaged in tactics to prolong use of opioids despite knowing that opioids were too addictive and debilitating for long-term use for chronic non-cancer pain.

In a third filing, Hagens Berman was retained as trial counsel for the state of Ohio. Filed on May 31, 2017, the firm is assisting the Ohio Attorney General's office in its case against five opioid makers. Ohio Attorney General Mike DeWine stated that "drug companies engaged in fraudulent marketing regarding the risks and benefits of prescription opioids which fueled Ohio's opioid epidemic," and that "these pharmaceutical companies purposely misled doctors about the dangers connected with pain meds that they produced, and that they did so for the purpose of increasing sales."

› Municipal Lending

Hagens Berman represents the cities of Los Angeles and Miami in a series of lawsuits filed against the nation's largest banks, including CitiGroup, JP Morgan, Wells Fargo and Bank of America alleging that they engage in systematic discrimination against minority borrowers, resulting in reduced property tax receipts and other damages to the cities. The suits seek damages for the City, claiming that the banks' alleged discriminatory behavior resulted in foreclosures, causing a reduction of property tax revenues and increased municipal service costs.

PRACTICE AREAS

Intellectual Property

The Hagens Berman intellectual property team has deep experience in all aspects of intellectual property litigation. We specialize in complex and significant damages cases against some of the world's largest corporations.

The firm is primarily engaged in patent infringement litigation at this time. We seek to represent intellectual property owners, including inventors, universities, non-practicing entities, and other groups whose patent portfolios represents a significant creative and capital investment.

Our current and recent engagements include the following:

› Bombardier Inc.

The firm represented Arctic Cat Inc. in patent infringement litigation against Bombardier Recreational Products and BRP U.S. Inc. The complaint alleges that Bombardier's Sea-Doo personal watercraft infringe Arctic Cat's patents covering temporary steerable thrust technology used when the rider turns in off-throttle situations.

RESULT: Florida U.S. District Judge Beth Bloom issued a final judgment of \$46.7 million against defendants, trebling initial damages of \$15.5 million awarded in a unanimous jury verdict.

› Angry Birds

Hagens Berman represented a Seattle artist who filed a lawsuit against Hartz Mountain Corporation – one of the nation's largest producers of pet-related products – claiming the company illegally sold the artist's trademarked Angry Birds pet toy line to video game giant Rovio Entertainment Ltd, robbing her of millions of dollars of royalty fees.

RESULT: The case settled under confidential terms, which the firm found to be extremely satisfactory for the plaintiff.

› Samsung, LG, Apple

The firm represents FlatWorld Interactives LLC in patent litigation against Samsung, LG and Apple. The complaints allege that the defendants' mobile handsets, tablets, media players and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen displays.

RESULT: The case settled.

› Oracle

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering various aspects of middleware systems providing application to database mapping, reading and persistence.

› Salesforce

The firm represents Applications in Internet Time LLC in patent litigation against Salesforce Inc. The suit alleges that our client's patents cover the core architecture of Salesforce's platform for developing, customizing, and updating cloud-based software applications.

› Nintendo

The firm represented Japan-based Shinsedai Company in patent infringement litigation against Nintendo. The suit alleged that our client's patents were infringed by various sports games for the Nintendo Wii.

*Unlike other intellectual property firms,
Hagens Berman only represents plaintiffs.
This reduces the risk of potential conflicts
of interest which often create delays in
deciding whether or not to take a case at
larger firms.*

PRACTICE AREAS

Intellectual Property

› **Electronic Arts**

Hagens Berman represents the original software developer of the Electronic Arts (EA) NFL Madden Football video game series in a suit alleging that he is owed royalties on EA Madden NFL titles as well as other derivative products. We prevailed in two trials against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The judgment is on appeal and if upheld will return for a final damages phase.

Hagens Berman is also skilled in other aspects of intellectual property law, including trademark, trade dress, trade secret and copyright litigation.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Investing is a speculative business involving assessment of a variety of risks that can only be properly weighed with full disclosure of accurate information. No investor should suffer undue risk or incur losses due to misrepresentations related to their investment decisions.

Our attorneys work for institutional and individual investors defrauded by unscrupulous corporate insiders and mutual funds. The firm vigorously pursues fraud recovery litigation, forcing corporations and mutual funds to answer to deceived investors.

Hagens Berman is one of the country's leading securities litigation firms advising clients in both individual and class-action cases. The firm has experience, dedication and a team with the horsepower required to drive complex cases to exemplary outcomes. Our attorneys are authorities in an array of issues unique to federal and state securities statutes and related laws. We use a variety of highly experienced experts as an integral part of our prosecution team. Successes on behalf of our investor clients include:

› **Charles Schwab Securities Litigation**

Lead counsel, alleging fraud in the management of the Schwab YieldPlus mutual fund.

RESULT: \$235 million class settlement for investors.

› **Oppenheimer**

Additional counsel for lead plaintiffs in class action alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds.

RESULT: \$100 million for the classes.

› **Tremont**

Co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Madoff. On Sept. 14, 2015, after nearly two years of negotiations and mediation, the court granted final approval of the plan of allocation and distribution of the funds which markets estimate could yield investors as much as \$1.45 billion.

RESULT: \$100 million settlement between investors, Tremont and its affiliates.

› **Boeing**

Uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed.

RESULT: Record-breaking settlement of more than \$92.5 million.

› **J.P. Morgan – Madoff**

Case alleges that banking and investment giant J.P. Morgan was complicit in aiding Bernard Madoff's Ponzi scheme. Investors claim that J.P. Morgan operated as Bernard L. Madoff Investment Securities LLC's primary banker for more than 20 years.

RESULT: \$218 million settlement amount for the class and a total of \$2.2 billion paid from JPMorgan that will benefit victims of Madoff's Ponzi scheme.

› **Morrison Knudsen**

Filed a shareholder class action, alleging that MK's senior officers concealed hundreds of millions in losses.

RESULT: More than \$63 million for investors.

› **Raytheon/Washington Group**

Charged Raytheon with deliberately misrepresenting the true financial condition of Raytheon Engineers & Constructors division in order to sell this division to the Washington Group at an artificially inflated price.

RESULT: \$39 million settlement.

› **U.S. West**

Represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West.

RESULT: The proposed buyout was stayed, and a settlement was achieved, resulting in a \$63 million increase in the price of the buyout.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

› Theranos Investor Litigation

Hagens Berman represents Theranos investors in a lawsuit that states that Theranos and its officers set in motion a publicity campaign to raise billions of dollars for Theranos and themselves, and to induce investors to invest in Theranos, all the while knowing that its "revolutionary" blood test technology was essentially a hoax. The suit filed against the company, its CEO Elizabeth Holmes and Ramesh Balwani, alleges that Theranos' statements to investors were built on false statements. At the crux of the court's recent decision to uphold the investor case against Theranos was a finding that while plaintiffs did not directly purchase their securities from defendants, claims made by Theranos, Holmes and Balwani constituted fraud.

› Aequitas Investor Litigation

The firm represents a group of investors alleging that national law firm Sidley Austin LLP, Oregon law firm Tonkon Torp LLP and accounting firms Deloitte & Touche LLP and EisnerAmper LLP violated Oregon securities laws by participating or materially aiding in misrepresentations made by Aequitas Management LLC and contributing to a \$350 million Ponzi scheme. Investors state, amongst other allegations, that in 2011 Aequitas began purchasing loan receivables from Corinthian College Inc. and had bought the rights to collect \$444 million in loans. Investment managers hid the details of the transactions from investors, and deceived them when Corinthian's business was hit with regulatory challenges in 2014. When Corinthian collapsed in May 2015, the investment group and its managers continued to sell securities and used the money to pay off other investors and fund a lavish lifestyle, until Aequitas ultimately imploded in 2017, the investors claim.

› China MediaExpress

Hagens Berman represents investors in a case against China MediaExpress, which purported to be the owner of a network of advertising terminals on buses throughout China. The case alleges that the company and its auditor (Deloitte Touche Tohmatsu) participated in accounting fraud that ultimately led to the demise of the company. In early 2014, the court entered

a default judgment in the amount of \$535 million and certified a proposed class against China Media Express Holdings Inc.

The case will proceed separately against Deloitte Touche Tohmatsu.

On May 6, 2015 Hagens Berman obtained a \$12 million settlement from Deloitte Touche Tohmatsu, one of the largest settlements against an auditor in a Chinese "reverse merger" case which is now awaiting final approval from the court.

› Altisource Asset Management Corporation

The firm was appointed lead counsel in this institutional investor lawsuit brought on behalf of purchasers of Altisource Asset Management Corporation (AAMC). The complaint alleges that AAMC misrepresented or outright concealed its relationship with these companies and the extent to which the interconnected entities engaged in conflicted transactions with themselves. Estimates of class-wide damages are in the hundreds of millions of dollars. The firm recently filed the consolidated complaint and motions to dismiss are pending before the U.S. District Court for the District of the Virgin Islands.

WHISTLEBLOWERS

In an effort to curb Wall Street excesses, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which built vigorous whistleblower protections into the legislation known as the "Wall Street Tip-Off Law." The law empowers the U.S. Securities and Exchange Commission to award between 10 and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. It also provides similar rewards for whistleblowers reporting fraud in the commodities markets.

Hagens Berman represents whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act. Unlike traditional whistleblower firms who have pivoted into this area, Hagens Berman has a strong background and history of success in securities, antitrust and other areas of fraud enforcement, making us an ideal partner for these cases. Our matters before the SEC/CFTC include a range of claims, including market manipulation and fraudulent financial statements.

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

Hagens Berman is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies in which the institution invests.

PORTFOLIO MONITORING. Timely information and analysis are the critical ingredients of a successful fraud recovery program. Institutions must receive quick, reliable determinations concerning the source and extent of their losses, the likelihood of recoupment and the best manner for pursuing it. Our Portfolio Monitoring Service provides these services at no cost to participating institutions. The Hagens Berman Portfolio Monitoring Service has three primary components:

TRACKING. Alerts clients of any significant portfolio losses due to suspected fraud.

ANALYSIS. Provide clients with necessary legal and factual analyses regarding possible recovery options, removing from the institution any burden connected with scrutinizing myriad instances of potential wrongdoing and attempt to decipher whether direct, recoverable injuries have resulted.

REPORTING. Attorneys and forensic accounting fraud experts deliver a concise monthly report that furnishes comprehensive answers to these inquiries. On a case-by-case basis, the report specifies each of the securities in which the client lost a significant amount of money, and matches those securities with an analysis of potential fraud likelihood, litigation options and an expert recommendation on how best to proceed for maximum recovery.

Our Portfolio Monitoring Service performs its functions with almost no inconvenience to participating institutions. A client's custodian bank provides us with records detailing the client's transactions from the prior several years and on a regular basis thereafter. Importantly, none of the institution's own personnel is required to share in this task, as we acquire the information directly from the custodian bank.

We provide our Portfolio Monitoring service with no strings attached and allow our clients to act without cost or commitment. In instances where a litigation opportunity arises, we believe our skills make us the ideal choice for such a role, although the client is free to choose others.

When a portfolio loses money because of corporate deception, our litigation services seek to recover a substantial percentage of those losses, thereby increasing a fund's performance metric. As fiduciaries, money managers may not have the ability or desire to risk funds on uncertain litigation using typical hourly-rate law firms. Hagens Berman seeks to minimize the burden on the money manager by pursuing cases on a contingent-fee basis.

PRACTICE AREAS

Personal Injury and Abuse

For nearly two decades, Hagens Berman's blend of professional expertise and commitment to our clients has made our firm one of the most well-respected and successful mass tort and personal injury law firms in the nation. We deliver exceptional results for our clients by obtaining impressive verdicts and settlements in personal injury litigation.

Our attorneys have experience in wrongful death, brain injury and other catastrophic injury cases, as well as deep experience in social work negligence, medical malpractice, nursing home negligence and sexual abuse cases.

Hagens Berman also has unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society.

Sexual Abuse Litigation Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington. More about Hagens Berman's sexual abuse practice can be found on the following page.

Nursing Home Negligence Nursing home negligence is a growing problem throughout the nation. As our population ages, reports of elder abuse and nursing home negligence continue to rise. Today, elder abuse is one of the most rapidly escalating social problems in our society. Hagens Berman is uniquely qualified to represent victims of elder abuse and nursing home negligence. Our attorneys have secured outstanding settlements in this area of the law and have committed to holding nursing homes accountable for wrongdoing.

Social Work Negligence Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, the developmentally disabled and

elderly adults, are responsible for critical aspects of the lives of tens of thousands of citizens who are unable to protect themselves. Many social workers do a fine job. Tragically, many do not. The results are often catastrophic when a social worker fails to monitor and protect his or her vulnerable client. All too often, the failure to protect a child or disabled citizen leads to injury or sexual victimization by predators. With more than \$40 million in recoveries on behalf of vulnerable citizens who were neglected by social workers, Hagens Berman is the most experienced, successful and knowledgeable group of attorneys in this dynamic area of the law.

Workplace Injury While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

Medical Malpractice Litigating a medical malpractice case takes acute specialization and knowledge of medical treatments and medicine. Notwithstanding these facts, Hagens Berman pursues meritorious medical malpractice claims in instances where clients have suffered life-altering personal injuries. Our firm's personal injury attorneys handle medical malpractice cases with the dedication and detail necessary to make victims whole. Hagens Berman is very selective in accepting medical malpractice cases and has been successful in recovering significant compensation for victims of medical error and negligence.

PRACTICE AREAS

Sexual Abuse and Harassment

Hagens Berman's attorneys recently achieved a nationwide sexual harassment settlement on behalf of 16,000 women and also tried the first ever sexual harassment case in Washington state, and has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall. Our firm is committed to protecting and empowering individuals.

At Hagens Berman, we believe no one is above the law, and that no position of power should shield someone from being held accountable.

Right now, we are witnessing the silencing, belittling and abuse that women everywhere in this nation are subjected to. They are subjected to a system that does not respect them. The backlash against the brave survivors who have stepped forward to report sexual assault is unacceptable.

We believe survivors. Our firm's sexual harassment attorneys have protected their rights for decades throughout their legal careers, and we are dedicated to upholding the rights of the most vulnerable. Women should be heard, respected and protected from systemic abuse.

Sexual harassment is present and pervasive in many workplaces, industries and professional environments, and has damaged the lives and careers of countless individuals. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by an authority figure, making it harder to come forward for fear of retaliation.

All too often, acts of sexual harassment and sexual misconduct are protected by systemic cover-ups by companies and organized agreements between those in power. Particular industries are more susceptible to these cover-ups including: entertainment and sports media, STEM, law enforcement, food service, politics, military, tech, finance, hospitality and transportation. But sexual harassment is pervasive in many other environments and is often obscured from view for years.

In these industries, victims are routinely subjected to widespread policies and practices that create an environment promoting quid pro quo arrangements in which victims feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Victims are also often punished for not taking part.

The firm has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall, tried the first ever sexual harassment case in Washington state, and achieved a nationwide sexual harassment settlement on behalf of 16,000 women.

Representative sexual harassment successes and cases on behalf of our clients include:

› **USC, Dr. Tyndall Sexual Harassment**

In May of 2018, Hagens Berman filed a class-action lawsuit against the University of Southern California (USC) and Dr. George Tyndall, the full-time gynecologist at USC's student health clinic. Tyndall sexually harassed, violated and engaged in wildly inappropriate behavior with female students who sought his medical care, according to news outlets, which stated he saw tens of thousands of female patients during his time at USC.

Official complaints of Dr. Tyndall's behavior began to surface at USC in the 1990s, but despite the university's knowledge of Dr. Tyndall's behavior, it did not report him to the agency responsible for protecting the public from problem doctors. USC did nothing, for decades, as more and more female students were sent into Dr. Tyndall's office.

The settlement's three-tier structure allows class members to

PRACTICE AREAS

Sexual Abuse and Harassment

choose how much they want to engage with the claims process. Those who do not want to revisit a private, traumatic event can simply keep the guaranteed Tier 1 payment of \$2,500. Those who choose to provide additional information in a claim form about their experience with Tyndall and how it affected them are eligible for up to \$20,000 and those who choose to provide an interview are eligible for up to \$250,000. The special master and her team of experts will evaluate claims and allocate awards to Tier 2 and Tier 3 claimants. This focus on choice ensures that all class members receive compensation while giving each class member the autonomy to decide for herself how involved she wants to be in the settlement process.

The class-action settlement also goes beyond monetary compensation and forces USC to implement real changes to their policies and procedures to help ensure that what happened at USC does not happen again.

RESULT: \$215 million settlement

› Harvey Weinstein Sexual Harassment

In a first-of-its-kind class-action lawsuit, Hagens Berman represented women on behalf of a class of all victims who were harassed or otherwise assaulted by Harvey Weinstein, seeking to hold him and his co-conspirators accountable for a years-long pattern of sexual harassment and cover-ups.

The lawsuit, filed Nov. 15, 2017, in the U.S. District Court for the Central District of California states that Miramax and The Weinstein Company (which Weinstein co-founded) facilitated Weinstein's organized pattern of predatory behavior, equating to an enterprise that violates the Racketeer Influenced and Corrupt Organizations Act, commonly referred to as the RICO Act, the same law brought against members of the Mafia for organized criminal behavior.

The lawsuit brought various charges against Weinstein and his companies for violating the RICO Act, mail and wire fraud, assault, civil battery, negligent supervision and retention, and intentional infliction of emotional distress.

RESULT: Settlement reached

› Fairfax Behavioral Health

Attorneys from Hagens Berman filed a class-action complaint on behalf of a proposed class of hundreds of patients that were arbitrarily strip-searched and video recorded while receiving treatment for mental illness at one of three Fairfax locations in Washington state.

The suit's named plaintiff recalls being ordered to undress for an invasive strip-search when she presented for inpatient admission, even after disclosing her history of sexual abuse to the staff member. She was not given a gown or towel to cover up during the search, and the staff member watched her undress and left the door open where other staff members could see her.

Video cameras were located in the hallway, the holding area outside bathroom, and the room where the strip search was conducted. The cameras recorded her undressing and the strip-search.

The complaint states that Fairfax's practices—and its failure to limit the discretion of its staff—means that a substantial number of its mental health patients do not have reasonable access to inpatient care for mental health disorders.

› CB Richard Ellis Sexual Harassment Litigation

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

PRACTICE AREAS

Sexual Abuse and Harassment

› King County Child Sex Abuse

Hagens Berman represented the victim of eight years of sexual abuse as a minor, at the hands of her brother-in-law. The lawsuit states that from 2005 to 2012, the case's defendant repeatedly sexually abused Hagens Berman's client. She was only eleven years old when the abuse began and was a minor during the entire duration of the abuse. In 2013, the state of Washington charged Willis with three counts of child molestation, to which he pled guilty. Court documents state, "Joshua Blaine Willis used his position of trust, confidence, or fiduciary responsibility to facilitate the commission of the ... offense[s]..."

Court documents in the civil case filed in June of 2017 detail Willis' highly disgusting and horrifying actions including groping and molestation, exposing himself and other highly sexual and inappropriate behavior.

Following the years of sexual abuse, Hagens Berman's client suffers from Post-Traumatic Stress Disorder and the court awarded damages for treatment of her condition and other emotional distress, as well as loss of earning capacity and other economic damages in her "struggle with consistency and stability."

RESULT: \$4,031,000 judgment awarded in a King County Superior Court

› State of Washington Sexual Assault, DSHS

Our client, a disabled Spokane, Wash. woman, was a patient at Eastern State Hospital. The hospital assigned a male nurse to provide one-on-one care and supervision for our client. The nurse trapped our client in a laundry room and raped her. Hagens Berman determined that the nurse, a state employee, had been reprimanded and accused on previous occasions of sexual assault of vulnerable patients. Hagens Berman initiated a negligence and civil rights lawsuit against the hospital and its administrators for failing to protect our client from a known sexual predator and for allowing that predator to remain on staff with the responsibility to care for vulnerable patients.

RESULT: \$2.5 million settlement

› Workplace Sexual Harassment & Other Investigations

Sexual harassment is present and pervasive in many workplaces. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by a supervisor, making it harder to come forward for fear of retaliation.

All too often, sexual harassment in the workplace is protected by systemic cover-ups by companies and those in power. Particular industries are more susceptible to these cover-ups including: commercial real estate, law enforcement, politics, military, tech, entertainment, sports media, finance, restaurants and hospitality, advertising and trucking.

In these industries, employees are routinely subjected to widespread policies that create an environment promoting quid pro quo arrangements in which they feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Employees are also often punished for not taking part.

Hagens Berman is also investigating sexual harassment and abuse in various specific areas of study, including STEM programs. The also maintains a keen watch over various work environments that are statistically prone to instances of misconduct. These include hospitality, college campuses and research labs, boarding schools and the entertainment industry, especially within the area of professional music.

The firm remains committed to uncovering instances of sexual harassment in the workplace, and within fields of study and areas prone to harboring misconduct and abusive behavior.

PRACTICE AREAS

Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports litigation law practices. Our attorneys are the vanguard of new and innovative legal approaches to protect the rights of professional and amateur athletes in cases against large, well-financed interests, including the National Collegiate Athletic Association (NCAA), the National Football League (NFL), the Fédération Internationale de Football Association (FIFA) and other sports governing institutions.

› **NCAA: Scholarships/Grants-In-Aid (GIAs)**

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming they violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

In March of 2019, the firm as co-lead trial counsel on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes, and in a unanimous 9-0 Supreme Court Victory, the injunctive portion of the case also resulted in a monumental victory for plaintiffs. The Court ruled that NCAA college athletes should legally be able to receive compensation from schools or conferences for athletic services other than cash compensation untethered to education-related expenses, prohibiting the NCAA from enforcing rules limiting those payments. The media called the firm's victory in the scholarships case against the NCAA a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), "...the highest court left the NCAA unhouse and naked, with nothing left but its pretensions," (The Washington Post), it "delivered a heavy blow," (AP), and leaves the NCAA "more vulnerable than ever."

› **NCAA: Concussions**

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm took on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman served as lead counsel in multi-district litigation and led the firm to finalize a settlement bringing sweeping changes to the NCAA's approach to concussion treatment and prevention. The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

The settlement also mandates significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

› **Player Name, Image & Likeness Rights in Videogames**

Hagens Berman attorneys represented student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a

PRACTICE AREAS

Sports Litigation

combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible, and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the college athletes from exploitation.

The firm also represented NFL legend Jim Brown in litigation against EA for improperly using his likeness in its NFL video games, culminating in a \$600,000 voluntary judgment offered by the video game manufacturer.

› Continued NIL Litigation

Hagens Berman has continued efforts against the NCAA in an additional pending antitrust case regarding NIL rights. In June 2020, the firm filed its case against the NCAA claiming the institution had knowingly violated federal antitrust laws in abiding by a particular subset of NCAA amateurism rules that prohibit college-athletes from receiving anything of value in exchange for the commercial use of their name and likeness. The firm holds that the NCAA's regulations illegally limiting the compensation that Division I college athletes may receive for the use of their names, images, likenesses and athletic reputations.

In unanimously upholding the rights of NCAA athletes in Alston, Justice Gorsuch wrote the NCAA had sought "immunity from the normal operation of the antitrust laws," and Justice Kavanaugh stated, "The NCAA is not above the law." The firm looks forward to continuing to uphold that same sentiment in regard to NCAA athlete name, image and likeness rights.

In July 2021, following the firm's victory in the Alston case, the NCAA chose to temporarily lift rules restricting certain NIL deals in what the firm believes will be the first step in another massive change in college sports to support college athletes.

› FIFA/U.S. Soccer: Concussions

Several soccer players filed a class action against U.S. soccer's governing bodies, which led to life-changing safety measures brought to millions of U.S. youth soccer players. Players represented by Hagens Berman alleged these groups failed to adopt effective policies to evaluate and manage concussions, leaving millions of players vulnerable to long-lasting brain injury.

The settlement against six of the largest youth soccer organizations completely eliminates heading for youth soccer's youngest players, greatly diminishing risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer.

It also sets new benchmarks for concussion measurement and safety protocols, and highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field.

› NCAA: Transfer Antitrust

Hagens Berman has taken on the NCAA for several highly recruited college athletes whose scholarships were revoked after a coaching change, or after the student-athletes sought to transfer to another NCAA-member school. The suit claims the organization's limits and transfer regulations violate antitrust law.

The firm's case hinges on a destructive double-standard. While Non-student-athletes are free to transfer and are eligible for a new scholarship without waiting a year, and coaches often transfer to the tune of a hefty pay raise, student-athletes are penalized and forced to sit out a year before they can play elsewhere, making them much less sought after by other college athletic programs. Hagens Berman continues to fight for student-athletes' rights to be treated fairly and terminate the NCAA's anticompetitive practices and overbearing regulations that limit players' options and freedoms.

PRACTICE AREAS

Sports Litigation

› Pop Warner

Hagens Berman represented youth athletes who have suffered traumatic brain injuries due to gross negligence, and filed a lawsuit on behalf of former Pop Warner football player Donovan Hill and his mother Crystal Dixon. The suit claims that the league insisted Hill use improper and dangerous tackling techniques which left the then 13-year-old paralyzed from the neck down.

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head. In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not made public. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

› MLB Foul Ball Injuries

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat. The lawsuit was dismissed with the court ruling that the plaintiffs lacked standing because the chance of getting hit by a ball is remote.

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans. We believe our case sparked the eventual move to netting. After one of the owners of the Mariners belittled Steve for having filed the case, the firm happily saw the addition of netting extended to the foul poles at T-Mobile Park in the firm's headquarters of Seattle.

› Other Cases

In addition to its class actions, Hagens Berman has filed several individual cases to uphold the rights of athletes and ensure a fair and safe environment. The firm has filed multiple individual cases to address concussions and other traumatic head injuries among student-athletes at NCAA schools and in youth sports. Hagens Berman continues to represent the interests of athletes and find innovative and effective applications of the law to uphold players' rights.

The firm has also brought many concussions cases on behalf of individual athletes, challenging large universities and institutions for the rights those who have suffered irreversible damage due to gross negligence and lack of even the most basic concussion-management guidelines.

PRACTICE AREAS

Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the U.S. Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

FALSE CLAIMS ACT

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

The whistleblower initially files the case under seal, giving it only to the government and not to the defendant, which permits the government to investigate. After the investigation, the government may take over the whistleblower's suit, or it may decline. If the government declines, the whistleblower can proceed alone on his or her behalf. In successful suits, the whistleblower normally receives between 15 and 30 percent of the government's recovery as a reward.

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

› **In U.S. ex rel. Lagow v. Bank of America**

Represented former District Manager at Landsafe, Countrywide Financial's mortgage appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

RESULT: The case was successful, ultimately triggering a settlement of \$1 billion, and our client received a substantial reward.

› **In U.S. ex rel. Mackler v. Bank of America**

Represented a whistleblower who alleged that Bank of America failed to satisfy material conditions of its government contract to provide homeowners mortgage relief under the HAMP program.

RESULT: The case succeeded and was settled as part of the 2012 global mortgage settlement, resulting in an award to our client.

› **In U.S. ex rel. Horwitz v. Amgen**

Represented Dr. Marshall S. Horwitz, who played a key role in uncovering an illegal scheme to manipulate the scientific record regarding two of Amgen's blockbuster drugs.

RESULT: \$762 million in criminal and civil penalties levied by the U.S. Department of Justice and an award to our client.

› **In U.S. ex rel. Thomas v. Sound Inpatient Physicians Inc. and Robert A. Bessler**

Represented a former regional vice president of operations for Sound Physicians, who blew the whistle on Sound's alleged misconduct.

RESULT: Tacoma-based Sound Physicians agreed to pay the United States government \$14.5 million.

› **In U.S. ex rel. Plaintiffs v. Center for Diagnostic Imaging Inc.**

In May 2010, Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for

PRACTICE AREAS

Whistleblower Litigation

Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs by presenting false claims for payment.

RESULT: In 2011, the government intervened in the claims, which the company settled for approximately \$1.3 million. The government declined to intervene, however, in the no-written-orders and kickback claims, leaving those claims for the whistleblowers and their counsel to pursue on their own. The non-intervened claims settled for an additional \$1.5 million payment to the government.

› Medtronic

On Feb. 19, 2008 the court unsealed a qui tam lawsuit brought by Hagens Berman against Medtronic, one of the world's largest medical technology companies, for fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

RESULT: The case settled in 2012 for an amount that remained under seal.

SECURITIES AND EXCHANGE COMMISSION / COMMODITY FUTURES TRADING COMMISSION

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike the False Claims Act, whistleblowers with these new programs do not initially file a sealed lawsuit. Instead, they provide information directly to the SEC or the CFTC regarding violations of the federal securities or commodities laws. If the whistleblower's information leads to an enforcement action, they may be entitled to between 10 and 30 percent of the recovery.

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned

by Direct Edge Holdings (and since acquired by Bats Global Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

A few of the firm's most recent whistleblower cases in this area include:

› EDGA Exchange Inc. and EDGX Exchange Inc.

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets, the second-largest financial exchange in the country for spoofing.

RESULT: The case prompted the U.S. Securities and Exchange Commission to bring record-breaking fine of \$14 million against defendants, the largest ever brought against a financial exchange.

PRACTICE AREAS

Whistleblower Litigation

› **Nav Sarao Futures Limited PLC**

Hagens Berman represents an anonymous whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information. The claim brought about legal action against a market manipulator who profited more than \$40 million from market fraud and contributed to the May 6, 2010 Flash Crash.

RESULT: Both the CFTC and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC and Navinder Singh Sarao based on the whistleblower's information. The case is still pending under seal.

INTERNAL REVENUE SERVICE

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

The IRS program offers rewards to those who come forward with information about persons, corporations or any other entity that cheats on its taxes. In the event of a successful recovery of government funds, a whistleblower can be rewarded with up to 30 percent of the overall amount collected in taxes, penalties and legal fees.

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

Appellate Victories

APPELLATE VICTORIES

Strengthening Consumer Law

At Hagens Berman, we distinguish ourselves not merely by the results we obtain, but by how we obtain them. Few class-action firms have our firm's combination of resources and acumen to see a case through as long as needed to obtain a favorable outcome. Our attorneys were instrumental in obtaining these federal appellate decisions that have shaped consumer law and bolstered the rights of millions nationwide:

- › **In Matter of Motors Liquidation Co.**, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
 - › **George v. Urban Settlement Servs.**, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
 - › **In re Loestrin 24 Fe Antitrust Litig.**, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under **Actavis** are not limited to cash payments)
 - › **Osborn v. Visa Inc.**, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
 - › **Little v. Louisville Gas & Elec. Co.**, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
 - › **City of Miami v. Citigroup Inc.**, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
 - › **Rajagopalan v. NoteWorld, LLC**, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
 - › **In re Neurontin Mktg. & Sales Practices Litig.**, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
 - › **In re NCAA Student-Athlete Name & Likeness Licensing Litig.**, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
 - › **Garcia v. Wachovia Corp.**, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on **Concepcion** to evade waiver of any right to compel arbitration)
 - › **Agnew v. Nat'l Collegiate Athletic Ass'n**, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
 - › **In re Lupron Mktg. & Sales Practices Litig.**, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)
 - › **In re Pharm. Indus. Average Wholesale Price Litig.**, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)
- We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.**
- Hagens Berman has also been active in state courts nationwide. Notable examples of our victories include:
- › **Garza v. Gama**, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
 - › **In re Farm Raised Salmon Cases**, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
 - › **Pickett v. Holland Am. Line-Westours, Inc.**, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

U.S. Legal Team



MANAGING PARTNER

Steve W. Berman

Served as co-lead counsel against Big Tobacco, resulting in the largest settlement in world history, and at the time the largest automotive, antitrust, ERISA and securities settlements in U.S. history.

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YEARS OF EXPERIENCE

> 41

PRACTICE AREAS

- > Antitrust/Trade Law
- > Consumer Protection
- > Governmental Representation
- > Securities/Investment Fraud
- > Whistleblower/Qui Tam
- > Patent Litigation

BAR ADMISSIONS

- > Washington
- > Illinois Foreign
- > Registered Attorney in England and Wales

COURT ADMISSIONS

- > Supreme Court of the United States
- > Supreme Court of Illinois
- > Supreme Court of Washington
- > U.S. District Court for the Eastern and Western Districts of Washington
- > U.S. District Court for the Northern and Central Districts of Illinois
- > U.S. District Court for the District of Colorado
- > U.S. District Court for the Eastern District of Michigan
- > First Circuit Court of Appeals

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. Steve was named an MVP of the Year by Law360 in 2016 and 2017 for his class-action litigation and received the 2017 Plaintiffs' Trailblazer award. He was recognized for the third year in a row as an Elite Trial Lawyer by The National Law Journal.

Steve co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli—Steve knew he had to help. In that case, Steve proved that the poisoning was the result of Jack in the Box's cost cutting measures along with gross negligence. He was further inspired to build a firm that vociferously fought for the rights of those unable to fight for themselves. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys, and has been praised for securing record-breaking settlements and tangible benefits for class members. Steve is particularly known for his tenacity in forging consumer settlements that return a high percentage of recovery to class members.

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT CASES

> Emissions Litigation

Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTEC vehicles, GM Chevy Cruze, Dodge Ram 2500 and 3500 trucks, Dodge Ram 1500 and Jeep Cherokee EcoDiesel vehicles, Chevy Silverado, GMC Sierra as well as other models made by Ford, Audi and BMW. Steve and the firm's unmatched work in emissions-cheating investigations is often ahead of the EPA and government regulators.

> General Motors Ignition Switch Defect Litigation

Steve serves as lead counsel seeking to obtain compensation for the millions of GM car owners who overpaid for cars that had hidden safety defects.

> Climate Change – New York City, King County, Wash.

Steve has always been a fighter for the rights of the environment. In 2017, he began the firm's latest endeavor to combat global climate change through novel applications of the law. Steve currently represents the city of New York and Washington state's King County in lawsuits filed against the world's largest producers of oil: BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips. The cases seek to hold the Big Oil titans accountable for their brazen impact on global warming-induced sea level rise and related expenses to protect the cities and their millions of residents.

- › Second Circuit Court of Appeals
- › Third Circuit Court of Appeals
- › Fifth Circuit Court of Appeals
- › Sixth Circuit Court of Appeals
- › Seventh Circuit Court of Appeals
- › Eighth Circuit Court of Appeals
- › Ninth Circuit Court of Appeals
- › Tenth Circuit Court of Appeals
- › Eleventh Circuit Court of Appeals
- › DC Circuit Court of Appeals
- › Federal Circuit Court of Appeals
- › U.S. Court of Federal Claims
- › Foreign Registered Attorney in England and Wales

EDUCATION

- › University of Chicago Law School, J.D., 1980
- › University of Michigan, B.A., 1976

MANAGING PARTNER

Steve W. Berman

› Opioids - Orange and Santa Clara County, Seattle

Steve has been retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a recently filed state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

› Antitrust Litigation

Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against Tyson, Purdue and other chicken producers for conspiring to stabilize prices by reducing chicken production. Steve also filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory (DRAM) for cornering the market and driving up DRAM prices. Most recently, Steve's antitrust case against the NCAA involving rights of college athletes to receive grant-in-aid scholarships saw a unanimous Supreme Court victory, in what media called a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), and leaves the NCAA "more vulnerable than ever" (AP).

› Consumer Protection

Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

RECENT SUCCESS

› Volkswagen Franchise Dealerships - \$1.6 billion

Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.

› Stericycle Sterisafe Contract Litigation - \$295 million

Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.

› NCAA Grant-in-Aid Scholarships - \$208 million

Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve also co-led the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes.

The injunction, which was upheld in a unanimous Supreme Court decision in June 2021, prohibits the NCAA from enforcing any rules that fix or limit compensation provided to college athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to

MANAGING PARTNER

Steve W. Berman

education-related expenses. According to the Ninth Circuit, the NCAA is “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences may make available. In the Supreme Court’s 9-0, Justice Kavanaugh stated, “The NCAA is not above the law.”

› **Dairy Price-Fixing** – \$52 million

This antitrust suit’s filing unearthed a massive collusion between the biggest dairy producers in the country, responsible for almost 70 percent of the nation’s milk. Not only was the price of milk artificially inflated, but this scheme ultimately also cost 500,000 young cows their lives.

CAREER HIGHLIGHTS

› **State Tobacco Litigation** – \$260 billion

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$260 billion and to submit to broad advertising and marketing restrictions – the largest civil settlement in history.

› **Visa MasterCard ATM Antitrust Litigation** – \$27 billion

Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa’s and MasterCard’s networks.

› **Toyota Sudden, Unintended Acceleration** – \$1.6 billion

Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs’ steering committee.

› **Washington Public Power Supply System (WPPSS)** – \$700 million settlement

Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.

› **E-books Antitrust Litigation** – \$560 million settlement

Fought against Apple and five of the nation’s top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers’ actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.

MANAGING PARTNER

Steve W. Berman

› **Enron Pension Protection Litigation** - \$250 million settlement

Led the class-action litigation on behalf of Enron employees and retirees alleging that Enron leadership, including CEO Ken Lay, had a responsibility to protect the interests of those invested in the 401(k) program, an obligation they abrogated. The court selected Steve to co-lead the case against Enron and the other defendants.

› **Charles Schwab Securities Litigation** - \$235 million settlement

Led the firm to file the first class-action lawsuit against Charles Schwab on Mar. 18, 2008, alleging that Schwab deceived investors about the underlying risk in its Schwab YieldPlus Funds Investor Shares and Schwab YieldPlus Funds Select Shares.

› **JP Morgan Madoff Lawsuit** - \$218 million settlement

Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world.

› **NCAA Grants-in-Aid Scholarships** - \$208 million settlement, and permanent injunction upheld by the Supreme Court

Led the firm's tenacious antitrust class action against the NCAA on behalf of college athletes, claiming that the NCAA had violated the law when it kept the class from being able to receive compensation provided by schools or conferences for athletic services other than cash compensation untethered to education-related expenses. The Supreme Court upheld the favorable opinion of the Ninth Circuit in a 9-0 ruling. Justice Kavanaugh's opinion further underscored the massive win for plaintiffs and the ruling's ongoing effects: "The NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America," pushing for further scrutiny of the NCAA's regulations.

› **Boeing Securities Litigation** - \$92.5 million settlement

Represented a class of tens of thousands of shareholders against Boeing, culminating in a proposed settlement that was the second-largest awarded in the Northwest.

› **NCAA Concussions** - \$75 million settlement, and 50-year medical monitoring fund

Led the firm's pioneering NCAA concussions suit that culminated in a proposed settlement that will provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; make sweeping changes to the NCAA's approach to concussion treatment and prevention; and establish a \$5 million fund for concussion research, preliminarily approved by the court.

› **US Youth Soccer Settlement**

Revolutionary settlement that changed U.S. Soccer regulations and bought sweeping safety measures to the game. Steve spearheaded a lawsuit against soccer-governing bodies, achieving a settlement that ended heading of the ball for U.S. Soccer's youngest players and greatly diminished risk of concussions and traumatic brain injuries. Additionally, the settlement highlights the importance of on-staff medical personnel at youth tournaments, as well as ongoing concussion education for coaches.

RECOGNITION

› 2022 Hall of Fame, Lawdragon

› 1999-2022 Washington Super Lawyers

› 2021 Sports & Entertainment Law Trailblazer, The National Law Journal

› 2021, 2019, 2018 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute

› 2018, 2020 Titan of the Plaintiffs Bar, Law360

MANAGING PARTNER

Steve W. Berman

- › 2016-2020 Class Action MVP of the Year, Law360
- › 2014-2016, 2018-2019 Elite Trial Lawyers, The National Law Journal
- › 2014-2019 Lawdragon 500 Leading Lawyers in America
- › 2018, 2016 Practice Group of the Year (Automotive), Law360
- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

ACTIVITIES

- › In April of 2021, the University of Michigan School for Environment and Sustainability (SEAS) launched the Kathy and Steve Berman Western Forest and Fire Initiative with a philanthropic gift from Steve (BS '76) and his wife, Kathy. The program will improve society's ability to manage western forests to mitigate the risks of large wildfires, revitalize human communities and adapt to climate change.
Steve studied at the School of Natural Resources (now SEAS) and volunteered as a firefighter due to his focus on environmental stewardship.
- › In 2003, the University of Washington announced the establishment of the Kathy and Steve Berman Environmental Law Clinic. The Berman Environmental Law Clinic draws on UW's environmental law faculty and extensive cross-campus expertise in fields such as Zoology, Aquatic and Fishery Sciences, Forest Resources, Environmental Health and more. In addition to representing clients in court, the clinic has become a definitive information resource on contemporary environmental law and policy, with special focus on the Pacific Northwest.

OTHER NOTABLE CASES

- › **VW Emissions Litigation - \$14.7 billion settlement**
Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › **McKesson Drug Class Litigation - \$350 million settlement**
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.
- › **Average Wholesale Price Litigation - \$338 million settlement**
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.
- › **DRAM Memory Antitrust - \$345 million settlement**
Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.
- › **Hyundai / Kia Fuel Efficiency - \$210 million settlement**
Led the firm's aggressive fight as court-appointed co-lead counsel against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles,

MANAGING PARTNER

Steve W. Berman

› **Lumber Liquidators Flooring**

Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde. The consumer settlement was confidential.

PRESENTATIONS

- › Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

PERSONAL INSIGHT

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents, players and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the international Hagens Berman Axeon cycling team.



PARTNER

Shana E. Scarlett

Shana has achieved hundreds of millions of dollars in recovery for classes in antitrust matters, and has been named a Northern California Super Lawyer and top California antitrust attorney.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

> Antitrust Litigation
> Consumer Protection
> Securities Litigation

INDUSTRY EXPERIENCE

> Technology Companies
> Internet Companies
> Agricultural Companies

BAR ADMISSIONS

> California

COURT ADMISSIONS

> U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California
> U.S. Court of Appeals, Second Circuit
> U.S. Court of Appeals, Ninth Circuit
> U.S. Court of Appeals, Federal Circuit

EDUCATION

> Stanford Law School, J.D.
> University of British Columbia, B.A.

CURRENT ROLE

> Partner & Management Committee Member, Hagens Berman Sobol Shapiro LLP
> Managing Partner of Hagens Berman's Berkeley office
> Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition

RECENT SUCCESS

> Ms. Scarlett has played a leading role in obtaining sizable settlements for antitrust plaintiffs in the following cases:
- In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (co-lead counsel for indirect purchaser class; recovery to date of \$106 million)
- In re Animation Workers Antitrust Litig., No. 14-cv-4062 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for class of workers; recovery of nearly \$169 million)
- In re Lithium Ion Batteries Antitrust Litig., No. 13-md-02420 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$113.45 million)
- In re EBooks Antitrust Litig., No. 11-md-02293 (S.D.N.Y.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$568 million)
- In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)
- In re Railway Industry Employee No-Poach Antitrust Litigation, MDL No. 2850 (W.D. Pa.) (team at Hagens Berman on executive committee; recovery of \$48.95 million)

RECOGNITION

> Lawdragon Leading Lawyers in America, Plaintiff Consumer Litigation, 2022
> Top Antitrust Attorney, Daily Journal of California, 2021
> Northern California Super Lawyer, 2013 - 2021
> Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers, 2020 – 2021
> Band 2 Ranking by Chambers and Partners, 2020; Band 1 Ranking, 2021
> 2021 Top 100 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers
> Lawdragon Leading Plaintiff Lawyer, 2020
> Rising Star Award for Northern California, Super Lawyers, 2009 – 2011

EXPERIENCE

> Associate, Coughlin Stoia Geller Rudman & Robbins LLP (2004-2007)
> Associate, Milberg Weiss Bershad Hynes & Lerach LLP (2002-2004)
> Associate, Lieff Cabraser Heimann & Bernstein LLP (2001-2002)

LEGAL ACTIVITIES

> Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Private Class Actions

PARTNER

Shana E. Scarlett

(November 2019)

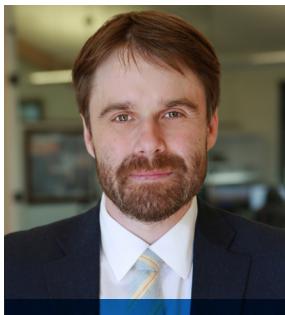
- › Panelist, American Bar Association, Key Considerations for Working with Expert Witnesses in Class Actions (September 2019)
- › Panelist, American Antitrust Institute, The Consumer and Food Sovereignty: Concentration and its Effects on Food Prices, Choice, and Quality (December 2018)
- › Panelist, Complex Litigation E-Discovery Forum: Tar and Validation Protocols (September 2018)
- › Panelist, Civil Law Symposium: Class Actions for the Northern District Practice Program (September 2018) (spoke at the request of Judge Gonzalez Rogers on distribution of settlements and best practices of notice)
- › Panelist, The Impact Fund, Advanced Class Notice Issues (August 2018)
- › Panelist, American Bar Association Meeting: Procedural Steps and Pitfalls in Antitrust Class Actions (May 2018)
- › Panelist, Northern District Judicial Conference: Class Actions (April 2018)
- › Panelist, Class Certification – Making Sense of Class Certification Doctrine, Economics and Econometrics, American Antitrust Institute (Nov. 2017)

NOTABLE CASES

- › Ms. Scarlett is also serving as lead or co-lead class counsel in the following cases currently being litigated:
 - In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (co-lead counsel for indirect purchaser class)
 - In re Beef Purchasers Antitrust Litig. (Peterson v. JBS USA Food Co. Holdings et al.), No. 0:19-cv-01129 (D. Minn.) (co-lead counsel for indirect purchaser class)
 - In re Turkey Antitrust Litig., No. 1:19-cv-08318 (N.D. Ill.) (co-lead counsel for direct purchaser class)
 - Jien v. Perdue Farms, Inc., No. 19-cv-2521 (D. Md.) (co-lead counsel for class of hourly and salaried workers)

PERSONAL INSIGHT

Shana is Canadian and the daughter of the noted Canadian jurist, the Hon. Edward D. Scarlett. When not in the Berkeley office of Hagens Berman, Shana usually can be found in Canada with her four sisters, nine nieces and nephews.



PARTNER
Rio Pierce

Rio focuses his practice on enforcing antitrust laws and ensuring fair and free markets for the benefit of consumers.

CONTACT

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YEARS OF EXPERIENCE
8

PRACTICE AREAS

Consumer Protection
Intellectual Property

BAR ADMISSIONS

California

COURT ADMISSIONS

U.S. District Court for the Central District of California
U.S. District Court for the Northern District of California
U.S. District Court for the Southern District of California

CLERKSHPIS:

Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

EDUCATION

Harvard Law School, magna cum laude, 2013
Duke University, magna cum laude, 2005

CURRENT ROLE

Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- › In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (part of team at Hagens Berman for indirect purchaser class; recovery to date of \$106 million)
- › In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (part of team at Hagens Berman serving as co-lead counsel for indirect purchaser class; recovery to date of \$20 million)
- › Qualcomm Antitrust Litigation., No. 5:17-md-02773 (N.D. Cal.) (part of team at Hagens Berman acting as counsel for indirect purchaser class that resulted in certified class of hundreds of millions of consumers)
- › In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)

RECOGNITION

- › 2021 Top 40 Under 40 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers
- › Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
- › Teaching Fellow, Copyright EdX

EXPERIENCE

- › Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
- › Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
- › Associate, Munger Tolles & Olson, 2014-2016

LEGAL ACTIVITIES

- › American Association for Justice

PUBLICATIONS

- › "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



ASSOCIATE

Breanna Van Engelen

Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.

CONTACT

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PRACTICE AREAS

› Antitrust Litigation
› Consumer Rights

BAR ADMISSIONS

› Washington

EDUCATION

› University of Michigan Law School, J.D.
› Washington State University, B.A., **magna cum laude**

CURRENT ROLE

› Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

› Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

MEDIA INTERVIEWS

› Brooke Jarvis, **How One Woman's Digital Life Was Weaponized Against Her**, WIRED (Nov. 11, 2017, 6:00 AM) (<https://www.wired.com/story/how-one-womans-digital-life-was-weaponized-against-her/>)

PRESENTATIONS

› "Taking the Distribution of Intimate Images to Trial," Presentation at 9th Annual Domestic Violence Symposium, Seattle, WA, Sept. 2017

PERSONAL INSIGHT

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she's not working, you can find Breanna on her parents' ranch in Texas, taking care of the land and snuggling animals.

EXHIBIT 151

GUSTAFSON GLUEK PLLC

Firm Resume



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Firm Overview

Gustafson Gluek PLLC is an 19-attorney law firm with a national practice specializing in complex litigation. We have offices in Minneapolis, Minnesota and San Diego, California. At Gustafson Gluek, we seek to vindicate the rights of, and recover damages for, those harmed by unfair business practices such as illegal price fixing, deceptive trade practices, and the distribution of unsafe medical devices, as well as enjoin companies from engaging in these types of practices in the future.

Founded in 2003, Gustafson Gluek's attorneys have consistently been recognized by their clients, peers, and courts across the country as leaders in their fields and, as such, have been chosen to lead some of the largest and most complex multi-district litigations. Attorneys at Gustafson Gluek have received national and state-wide awards and honors, and are routinely called upon by other leading firms to assist in taking on some of the largest companies and defense firms in the world. Gustafson Gluek was named in the Top 25 Lead Counsel in Antitrust Complaints filed from 2009 – 2019 in the 2019 Antitrust Annual Report produced by the University of San Francisco Law School and The Huntington National Bank. Gustafson Gluek was also listed as number seven in the list of firms who have filed antitrust cases, having filed 190 antitrust actions during that same time period. Also, according to that same report, in that 2009-2019 time period, Gustafson Gluek helped recover over \$707 million for class members in 48 different antitrust cases.

Gustafson Gluek strongly believes in giving back to the community and promoting diversity in the legal profession. Its attorneys have held leadership positions and actively participate in numerous national, state and affinity legal organizations, including the Federal Bar Association, Minnesota State Bar Association, the Infinity Project, Minnesota Women Lawyers, Minnesota Asian Pacific American Bar Association, and American Antitrust Institute. Gustafson Gluek was instrumental in founding the *Pro Se Project*, a collaboration with the Minnesota District Court pairing indigent federal litigants with attorneys and Gustafson Gluek devotes hundreds of hours each year to pro bono service through the *Pro Se Project* and other organizations.

Leadership Positions

Gustafson Gluek's attorneys are frequently recognized by their peers and the Courts as experienced and capable leaders and, as such, have been appointed to lead numerous complex litigations including the following:

Hogan v. Amazon, Inc. (N.D. Ill.)

Co-Lead Counsel

In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)

Plaintiffs' Leadership Committee

In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)

Co-Lead Counsel

In re Pork Antitrust Litig. (D. Minn.)

Co-Lead Counsel for Consumer Indirect Purchaser Plaintiffs

In re: 3M Combat Arms Earplug Litig. (Minn.)

Co-Lead Counsel

In re DPP Beef Litig. (D. Minn.)

Co-Lead Counsel

In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)

Plaintiffs' Steering Committee

In re CenturyLink Residential Customer Billing Disputes Litig. (D. Minn.)

Executive Committee Chair

In re Syngenta Litig. (Minn.)

Co-Lead Class Counsel

In re Broiler Chicken Antitrust Litig. (N.D. Ill.)

Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs

Vikram Bhatia, D.D.S., et al., v. 3M Company (D. Minn.)
Co-Lead Counsel

In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig. (D. Minn.)
Lead Counsel

In re DRAM Antitrust Litig. (N.D. Cal. and multiple state court actions)
Co-Lead Counsel for Indirect Purchasers

In re Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)
Co-Lead Counsel

St. Barnabas Hospital, Inc. et al. v. Lundbeck, Inc. et al. (D. Minn.)
Interim Class Counsel

In re Vitamin C Antitrust Litig. (E.D.N.Y.)
Co-Lead Counsel for Indirect Purchasers

In re Flash Memory Antitrust Litig. (N.D. Cal.)
Plaintiffs' Steering Committee

Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd. (E.D.N.Y.)
Co-Lead Counsel

Case Outcomes

Gustafson Gluek has recovered billions of dollars on behalf of its clients since its founding in 2003. At Gustafson Gluek, we seek to vindicate the rights of, and recover damages for, those harmed by unfair business practices such as illegal price fixing, deceptive trade practices, and the distribution of unsafe or defective devices, as well as enjoin companies from engaging in these types of practices in the future. A list of representative cases we have previously litigated and the outcomes of those cases is set forth below.

ANTITRUST

In re Automotive Parts Antitrust Litigation (E.D. Mich.)

Gustafson Gluek was an integral part of the team representing a class of indirect purchases of various automotive components. Plaintiffs alleged that the defendants engaged in a sprawling price fixing conspiracy to artificially increase the price of several different automobile components. Gustafson Gluek helped recover over \$1.2 billion for the class.

In Re Blue Cross Blue Shield Antitrust Litig. (N.D. Ala.)

Gustafson Gluek has been appointed as members of the Damages and Litigation Committees representing a class of subscribers of Blue Cross Blue Shield Alabama. Plaintiffs allege antitrust violations by the defendant. The parties have reached a settlement. If approved by the Court, the settlement will establish a \$2.67 billion Settlement Fund. Settling Defendants will also agree to make changes in the way they do business that Plaintiffs believe will increase the opportunities for competition in the market for health insurance.

In re Capacitors Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represented a class of indirect purchasers of electrolytic or film capacitors. Plaintiffs alleged that at least fifteen multinational corporations conspired to fix the prices of capacitors that they manufactured and sold worldwide and into the United States. Gustafson Gluek attorneys worked closely with Lead Counsel throughout the litigation, which eventually recovered \$84.49 million for the class.

In re Containerboard Antitrust Litigation (N.D. Ill.)

Gustafson Gluek represented a class of direct purchasers of containerboard products and was a defendant team leader. Plaintiffs alleged that defendant containerboard manufacturers conspired to fix the price of containerboard. As team leader, Gustafson Gluek handled all aspects of discovery, including the depositions of several senior executives. Gustafson Gluek helped to secure over \$376 million for the class.

In re Cathode Ray Tube (CRT) Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represented a class of direct purchasers of CRT screens used for computer monitors and televisions. Plaintiffs alleged that defendants conspired to fix the price of these products in violation of the antitrust laws. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class action, which resulted in settlements totaling \$225 million for the class.

In re DRAM Antitrust Litigation (N.D. Cal. and multiple state court actions)

Gustafson Gluek was appointed Co-Lead Counsel for the indirect purchasers in this nationwide class action against both national and international memory-chip manufacturers. This case dealt with the conspiracy surrounding the pricing of the memory chips commonly known as Dynamic Random Access Memory (or DRAM). DRAM is used in thousands of devices on a daily basis, and Gustafson Gluek was integral in achieving a settlement of \$310 million for the class.

In re Domestic Drywall Antitrust Litigation (E.D. Pa.)

Gustafson Gluek represented a class of direct purchasers of drywall in this antitrust case. Plaintiffs alleged that the defendant manufacturers conspired to artificially increase the price of drywall. Gustafson Gluek played an active role in the litigation. A class was certified, and Gustafson Gluek helped recover over \$190 million for the class.

In re Lithium Ion Batteries Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represented a class of direct purchasers of lithium ion batteries in a multidistrict class action. Plaintiffs alleged collusive activity by the world's largest manufacturers of lithium ion batteries, which are used in everything from cellular phones to cameras, laptops and tablet computers. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class and helped recover over \$139 million for the class.

In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)

Gustafson Gluek has served as Interim Co-Lead Counsel with two other firms representing a class of indirect purchasers of interior molded doors. Plaintiffs alleges that two of the country's largest interior molded door manufacturers conspired to inflate prices in the market. Defendants settled with the class for \$19.5 million.

Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al. (E.D.N.Y.)

Gustafson Gluek was Co-Lead Counsel representing a class of direct purchasers of freight forwarding services in this international case against 68 defendants. Plaintiffs alleged that defendants engaged in an international conspiracy to fix, inflate, and maintain various charges and surcharges for freight forwarding services in violation of U.S. antitrust laws. Gustafson Gluek worked to secure over \$450 million for the class.

In re Resistors Antitrust Litigation (N.D. Cal.)

Gustafson Gluek worked closely with Lead Counsel representing indirect purchasers of linear resistors. Plaintiffs alleged that the defendant manufacturers conspired to increase the price of linear resistors, thereby causing indirect purchasers to pay more. After engaging in extensive discovery, Plaintiffs recovered a total of \$33.4 million in settlements for the indirect purchaser class.

In re TFT-LCD (Flat Panel) Antitrust Litigation (N.D. Cal.)

Gustafson Gluek served an integral role handling complex discovery issues in this antitrust action representing individuals and entities that purchased LCD panels at supracompetitive prices. Gustafson Gluek attorneys worked on a range of domestic and foreign discovery matters in prosecuting this case. The total settlement amount with all of the defendants was over \$1.1 billion.

The Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan (E.D. Mich.)

Gustafson Gluek was appointed interim Co-Lead Counsel representing a class of purchasers of hospital healthcare services. Plaintiffs alleged that defendant Blue Cross Blue Shield of Michigan used its market position to negotiate contracts with hospitals that impeded competition and increased prices for patients. Gustafson Gluek worked to secure \$30 million on behalf of the class.

CONSUMER PROTECTION

Baldwin et al. v. Miracle Ear et al. (D. Minn.)

Gustafson Gluek represents consumers who received unwanted telemarketing calls from HearingPro for sale of Miracle Ear brand hearing aid products in violation of the Telephone Consumer Protection Act. Gustafson Gluek played an important role in recovering significant settlement for the class.

Syngenta Corn Seed Litigation (Minn. & D. Kan.)

Gustafson Gluek was appointed Co-Lead Counsel for the class of Minnesota corn farmers suing Syngenta for negligently marketing its Agrisure/Viptera corn seed before it had been approved in all of the major corn markets. Gustafson Gluek was an integral part of the litigation team in Minnesota, participating in all facets of discovery, motion practice and expert work. Dan Gustafson was one of the lead trial counsel and was also appointed as part of the settlement team. Ultimately, these cases settled for \$1.51 billion on behalf of all corn farmers in America.

In re Centurylink Sales Practices and Securities Litigation (D. Minn.)

Gustafson Gluek was Chair of the Executive Committee and represented a class of current and former CenturyLink customers who paid too much for their phone, internet or television services due to CenturyLink's unlawful conduct. Plaintiffs alleged that CenturyLink engaged in deceptive marketing, sales, and billing practices across the dozens of states in which it does business by: (1) promising a discount or promotion that was never applied; (2) charging more for services than it advertised or otherwise promised; (3) charging for services it did not provide; (4) charging for services customers did not request; (5) charging undisclosed or higher-than-agreed upon fees; (6) charging improper terminations fees; and (7) putting customers into collections as a result of unpaid overcharges. Ultimately, Plaintiffs recovered \$18.5 million in settlements for this class.

Yarrington, et al. v. Solvay Pharmaceuticals, Inc. (D. Minn.)

Gustafson Gluek represented a class of individuals alleging unfair competition and false and deceptive advertising claims against Solvay Pharmaceuticals in the marketing of Estratest and Estratest HS, prescription hormone therapy drugs. Gustafson Gluek helped recover \$16.5 million for the class.

DATA BREACH

In re Equifax Inc. Customer Data Security Breach Litigation (N.D. Ga.)

Gustafson Gluek represented Plaintiffs whose personal information was impacted as the result of the Equifax's deficient data security practices. Plaintiffs reached a settlement where Equifax agreed to pay \$380 million towards the fund for class benefits and an additional \$125 million for out-of-pocket losses in addition to credit monitoring and identity restoration services. This settlement was approved by the court in January 2020.

Landwehr v. AOL Inc. (E.D. Va.)

Gustafson Gluek served as class counsel in this lawsuit, alleging that AOL made available for download its members' search history data, which violated these AOL members' right to privacy under the Federal Electronic Communications Privacy Act. Plaintiffs reached a settlement with AOL that made \$5 million available to pay the claims of class members whose search data was made available for download by AOL.

The Home Depot, Inc., Customer Data Security Breach Litigation (N.D. Ga.)

Gustafson Gluek represented credit unions and a class of financial institutions whose card members' payment data was compromised as the result of Home Depot's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a settlement agreement with Home Depot for \$27.25 million for the class members.

Greater Chautauqua Federal Credit Union v. Kmart Corporation (N.D. Ill.)

Gustafson Gluek served on the court-appointed Plaintiffs' Steering Committee representing a class of financial institutions whose card members' payment data was compromised as a result of Kmart's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a \$5.2 million settlement with K-Mart for the class.

Experian Data Breach Litigation (C.D. Cal.)

Gustafson Gluek represented a class of consumers whose personally identifiable information, including Social Security numbers and other highly-sensitive personal data, was compromised as the result of Experian's deficient data security practices. Many of these consumers lost time and money responding to the data breach, and they face an ongoing risk of identity theft, identity fraud, or other harm. Plaintiffs reached a \$22 million settlement and as a part of the settlement, defendants also agreed and have begun undertaking certain remedial measures and enhanced security measures, which they will continue to implement, valued at over \$11.7 million.

SECURITIES

St. Paul Travelers Securities Litigation I and II (D. Minn.)

Gustafson Gluek served as liaison counsel in both of the St. Paul Travelers Securities Litigations. At issue in the cases were public statements as well as material omissions St. Paul Travelers made that negatively impacted the stock prices of the Company. On behalf of New Mexico State Funds, Gustafson Gluek worked to litigate the two separate class actions against St. Paul Travelers, resulting in multi-million-dollar settlements.

Smith v. Questar Capital Corp., et al. (D. Minn.)

Gustafson Gluek represented a class of investors who were defrauded in a Ponzi scheme by a brokerage firm that sold bonds to sustain an entity that had collapsed into bankruptcy. Gustafson Gluek helped recover \$3 million for the class of 125 investors.

PRODUCT LIABILITY

Bhatia v. 3M Co. (D. Minn.)

Gustafson Gluek represented a class of dentists who bought 3M Lava Ultimate Restorative material for use in dental crowns. Gustafson Gluek was appointed as Co-Lead Counsel for Plaintiffs, who alleged that the 3M Lava material failed at an unprecedented rate, leading to substantial loss of time and money for the dentists and injury to the patients. Gustafson Gluek helped secure a settlement of approximately \$32.5 million for all of the dentists who had suffered damages from the failure of this product.

Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation (D. Minn.)

Gustafson Gluek was Lead Counsel representing Plaintiffs, who had Medtronic's Sprint Fidelis Leads implanted in them. Plaintiffs alleged that Medtronic's Sprint Fidelis Leads contained serious defects that cause the leads to fracture, resulting in unnecessary shocks. Ultimately, these cases settled for over \$200 million on behalf of thousands of injured claimants who participated in the settlement. The settlement included a seven year claim period in which individuals who were registered to participate in the settlement could make a claim if their device failed or was removed within that time period for reasons related to the alleged defect.

Medtronic, Inc. Implantable Defibrillators Products Liability Litigation (D. Minn.)

Gustafson Gluek was appointed Co-Lead Counsel in this MDL representing individuals, who were implanted with certain implantable defibrillators manufactured by Medtronic, Inc. Plaintiffs alleged that these certain Medtronic's implantable cardioverter defibrillators (ICDs), and cardiac resynchronization therapy defibrillators (CRT-Ds) contained serious battery defects, which resulted in a recall of the products at issue. Plaintiffs alleged that Medtronic, Inc. knew about this defect, intentionally withheld important information from the FDA and the public and continued to sell the devices for implantation into patients facing life-threatening heart conditions. Gustafson Gluek, in its role as Co-Lead Counsel, helped secure a settlement of approximately \$100 million dollars for claimants who participated in the settlement.

INTELLECTUAL PROPERTY & PATENT MISUSE

Augmentin Litigation (E.D. Va.)

Gustafson Gluek represented a class of direct purchasers of the pharmaceutical drug, Augmentin. Plaintiffs alleged that defendant GlaxoSmithKline violated the antitrust laws by unlawfully maintaining its monopoly over Augmentin and preventing the entry of generic equivalents. Gustafson Gluek helped recover \$62.5 million for the class.

Dryer, et al., v. National Football League (D. Minn.)

The U.S. District Court for the District of Minnesota appointed Gustafson Gluek Lead Settlement Counsel in Dryer v. NFL. In that capacity, Gustafson Gluek represented a class of retired NFL players in protecting their rights to the use of their likenesses in marketing and advertising. Gustafson Gluek helped secure a settlement with the NFL that created unprecedented avenues of revenue generation for the class.

Spine Solutions, Inc., et al. v. Medtronic Sofamore Danek, Inc., et al. (W.D. Tenn.)

Gustafson Gluek was one of the counsel representing the plaintiff, Spine Solutions, Inc. and Synthes Spine So., L.P.P., in a patent litigation against Medtronic Safamor Danek, Inc. and Medtronic Sofamor Donek, USA. The patent at issue in that case involved technology relating to spinal disc implants. This case went to trial in November 2008 and a jury verdict was returned in favor of our clients. The jury found willful infringements and awarded both lost profits and reasonable royalty damages to our clients.

In re Wellbutrin SR Antitrust Litigation (E.D. Pa.)

Gustafson Gluek played an integral role in this pharmaceutical class action. The firm represented direct purchasers of Wellbutrin SR, who alleged that defendant GlaxoSmithKline defrauded the U.S. Patent and Trademark Office and filed sham lawsuits against its competitors, which delayed the availability of the generic version of Wellbutrin SR to consumers. As a result of this delay, Plaintiffs alleged that they paid more for Wellbutrin SR than they would have if the generic version had been available to them. Gustafson Gluek was actively involved in the investigation, discovery, motion practice, and trial preparation for this case and served an essential role in the mediation that resulted in a \$49 million settlement to the direct purchasers.

Practice Areas and Current Cases

ANTITRUST LITIGATION

Gustafson Gluek PLLC is devoted to the prosecution of antitrust violations. We have litigated antitrust cases in federal and state courts across the United States.

Federal and state antitrust laws are designed to protect and promote competition among businesses by prohibiting price fixing and other forms of anticompetitive conduct. Violations can range from straight forward agreements among competitors to raise prices above competitive prices to complicated schemes that affect relationships between different levels of a market.

Ongoing prosecution of these illegal schemes helps protect the average consumer from being forced to pay more than they should for everyday goods. Below are some representative antitrust cases that Gustafson Gluek is currently involved in:

Forest River Farms v. Deere & Co. (N.D. Ill.)

Gustafson Gluek represents a proposed class of farmers who purchased repair services from John Deere. Plaintiff alleges Deere monopolized the market for repair and diagnostic services for its agricultural equipment in order to inflate the price of these services.

In re Broiler Chicken Antitrust Litigation (N.D. Ill.)

Gustafson Gluek is part of the Co-Lead counsel team for class of commercial indirect purchasers. The case alleges chicken suppliers colluded to artificially restrict the supply and raise the price of chicken in the United States. As part of the co-lead counsel team, Gustafson Gluek helped successfully defeated defendants' motion to dismiss. This case is on-going, although settlements have been reached with several defendants thus far.

In re Crop Inputs Antitrust Litig. (E.D. Mo.)

Gustafson Gluek is Co-Lead counsel representing a class of farmers alleging that manufacturers, wholesalers and retailers conspired to artificially increase and fix the price of crop inputs (e.g. seeds, fertilizers, pesticides) used by farmers.

In re Dealer Management Systems Antitrust Litigation (N.D. Ill.)

Gustafson Gluek has been appointed as a member of the Steering Committee representing a class of car dealerships. Plaintiffs allege that defendants unlawfully entered into an agreement that reduced competition and increased prices in the market for Dealer Management Systems ("DMS") and data integration services related to DMS. Plaintiffs have reached a settlement with one defendant but continue to litigate against the remaining defendants.

In re Disposable Contact Lens Antitrust Litigation (M.D. Fla.)

Gustafson Gluek represents a class of individuals who purchased contact lenses made by Alcon, CooperVision, Bausch + Lomb, and Johnson & Johnson. Plaintiffs allege that these manufacturers unlawfully conspired to impose minimum resale price agreements on retailers, which restricts retailers' ability to lower prices to consumers. The class has been certified and discovery is ongoing.

In re DPP Beef Litigation (D. Minn.)

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of direct purchasers of beef. Plaintiffs allege that Cargill JBS, Tyson and National Beef Packing Company conspired to fix and maintain the price of beef in violation of the federal antitrust laws resulting in supracompetitive prices for beef. This litigation is ongoing, but plaintiffs have reached a settlement with one defendant to date.

In re Generic Pharmaceuticals Pricing Antitrust Litigation (E.D. Pennsylvania)

Gustafson Gluek is part of a team of law firms alleging anti-competitive conduct by more than twenty generic drug manufacturers with respect to more than 100 generic drugs, including drugs used to treat common and serious health conditions such as diabetes and high blood pressure. Cases have been brought on behalf of several distinct groups of plaintiffs, including Direct Purchaser Plaintiffs (our group), indirect purchaser plaintiffs, multiple individual plaintiffs, and the State AGs. The United States Department of Justice is conducting a criminal investigation and multiple high-ranking generic pharmaceutical company executives have already pled guilty. There are currently more than a dozen separate cases related to various drugs, which have been organized into three groups for the purposes of case management. The Court has denied the motion to dismiss and discovery is ongoing.

In re Google Digital Publisher Antitrust Litigation (N.D. Cal.)

Gustafson Gluek has been appointed to the Leadership Committee representing a class of publishers who sold digital advertising space via Google. Plaintiffs allege that Google's anticompetitive monopolistic practices led to digital publishers being paid less for their advertising space than they otherwise would have been paid in a competitive market.

In re Hard Disk Drive Suspension Assemblies Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represents a class of indirect purchaser end user plaintiffs who purchased products containing Hard Disk Drive (HDD) suspension assemblies. Plaintiffs allege that the defendant HDD suspension assemblies manufacturers unlawfully conspired to fix the prices of the HDD suspension assemblies and manufactured and sold the component worldwide and into the United States at an inflated price.

In re Packaged Seafood Litig. (S.D. Cal.)

Gustafson Gluek represents a class of indirect purchasers alleging that Defendants committed antitrust violations resulting in harm to the consumers. Plaintiffs' claims have largely survived multiple rounds of motions to dismiss. At the end of July 2019, the court granted plaintiffs' motion for class certification.

In re Pork Antitrust Litigation (D. Minn.)

Gustafson Gluek has been appointed as Interim Co-Lead counsel representing a class of consumers who purchased pork products. Plaintiffs allege pork producers, who control over 80% of the wholesale pork market in the U.S., conspired to fix prices by, among other things, agreeing to restrict production to artificially increase prices. Having survived motions to dismiss, discovery is now in progress, although a settlement has been reached with some of the defendants to date.

Powell Prescription Center, et al. v. Surescripts, LLC et al. (N.D. Illinois)

Gustafson Gluek is part of a Lead Counsel Committee representing a class of pharmacies alleging that defendants Surescripts, RelayHealth, and Allscripts Healthcare Solutions conspired to monopolize and restrain trade in the e-prescription services market. There is a \$10 million settlement with defendant RelayHealth and the case is proceeding against the remaining defendants.

Wood Mountain Fish LLC v. Mowi ASA, et al. (S.D. Fla.)

Gustafson Gluek represents a proposed class of indirect purchasers of farm-raised Atlantic Salmon. Plaintiffs allege that several major Salmon producers coordinated to artificially raise the price of Atlantic salmon.

APPELLATE ADVOCACY

Our attorneys are just the experienced, seasoned appellate advocates that can assist in getting the right result. Because we have tried complex cases to jury and bench verdicts, we understand how important the trial court is to a successful appeal.

Gustafson Gluek's appellate attorneys draw from our years of experience practicing before courts at every level of the state and federal system. We have successfully briefed and argued a variety of complex class and non-class cases and been called upon by peers to assist in the appellate process for their clients as well. In addition, we have frequently written briefs and appeared as amicus curiae (friend of the court) on behalf of several professional organizations.

Our appellate attorneys are admitted to practice in the following appellate courts:

- First Circuit Court of Appeals
- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- Minnesota State Court of Appeals
- Minnesota Supreme Court
- United States Supreme Court

Some of the cases we have argued before the Eighth Circuit include:

- *Anna Bryant, et al. v. Medtronic, Inc., et al.*
- *Dryer, et al. v. National Football League*
- *Graves v. 3M Company*
- *Haddock v. LG Electronics USA, Inc.*
- *Jeanette Rick, et al. v. Wyeth, Inc., et al.*
- *Karsjens, et al. v. Piper, et al.*
- *LaBrier v. State Farm Fire and Casualty Co.*
- *MN Senior Foundation, et al. v. United States, et al.*
- *Morgan Larson v. Ferrellgas Partners*
- *Smith v. Fairview Ridges Hospital*
- *Song v. Champion Pet Foods USA, Inc.*
- *Wallace James Beaulieu v. State of Minnesota*

CONSTITUTIONAL LITIGATION

Gustafson Gluek is devoted to the protection of the constitutional liberties of all individuals. We have litigated several cases at the federal court level on matters involving civil commitment, police brutality, prisoner mistreatment and government misuse of private property. Below are some representative cases involving constitutional claims that Gustafson Gluek is currently litigating or has recently litigated:

Doe v. Hanson et al. (Minn.)

Gustafson Gluek represents a former juvenile resident of Minnesota Correctional Facility – Red Wing who alleges he was sexually assaulted by a staff member over the course of several years. Despite alleged knowledge of the risk of the abuse to the juvenile, the Correctional Facility did nothing to protect the juvenile. A settlement was reached in 2021, which included significant financial compensation for the victim, required additional training for the MCF-Red Wing staff, and 3 policy changes at MCF-Red Wing.

Carr v. City of Robbinsdale (Minn.)

Gustafson Gluek represented an individual whose car was seized by the Robbinsdale police. Our client was a passenger in her car, when the driver was pulled over and arrested for driving under the influence. The officer seized the car pursuant to Minnesota's civil forfeiture statute. Gustafson Gluek filed a complaint challenging the constitutionality of the Minnesota civil forfeiture laws. However, prior to any meaningful litigation, the parties were able to settle the case.

Khottavongsa v. City of Brooklyn Center (D. Minn.)

Gustafson Gluek represented the family of a man killed by Brooklyn Center police in 2015. Gustafson Gluek brought section 1983 claims, alleging the officers used excessive force and ignored his medical needs, and that the City of Brooklyn Center failed to train and supervise the officers. Defendant's motion for summary judgment was largely defeated. The case settled prior to trial.

Hall v. State of Minnesota (Minn.)

Gustafson Gluek successfully litigated a case against the State of Minnesota regarding the State's Unclaimed Property Act. On behalf of Plaintiffs, the Firm achieved a ruling that a portion of the State's Unclaimed Property Act was unconstitutional and, as a result, the statute was changed, and property returned to individuals.

Karsjens, et al. v. Jesson, et al. (D. Minn.)

Gustafson Gluek represents a class of Minnesota's civilly committed sex offenders on a pro bono basis through the Federal Bar Association's Pro Se Project. Gustafson Gluek has been litigating this case since 2012, alleging that Minnesota's civil commitment of sex offenders is unconstitutional and denies the due process rights of the class. After a six-week trial in February and March of 2015, Minnesota District Court Judge Donovan Frank found in favor of the class, ruling that the Minnesota Sex Offender Program (MSOP) is unconstitutional, and ordering that extensive changes be made to the program. That order was reversed on appeal. Gustafson Gluek continues to vigorously advocate for the class on the remaining claims and pursue a resolution that will provide constitutional protections to those civilly committed to the MSOP.

Jihad v. Fabian (D. Minn.)

Gustafson Gluek represented an individual bringing suit against the State of Minnesota, the Department of Corrections and others alleging violations of his religious rights relating to his incarcerations in the Minnesota Corrections Facility in Stillwater. Gustafson Gluek was able to secure a settlement for the plaintiff which involved a change in the Department of Corrections policy to provide plaintiff with halal-certified meals at the correction facilities.

Samaha, et al. v. City of Minneapolis, et al. (D. Minn.)

Gustafson Gluek is representing several peaceful protestors who were subject to excessive force at the George Floyd protests in May 2020. While peacefully protesting, the plaintiffs were subjected to tear gas, pepper spray and other violence. The case is a class action seeking declaratory and injunctive relief, including a judgment that the City of Minneapolis has a custom, policy and practice of encouraging and allowing excessive force. The case is on-going.

CONSUMER PROTECTION LITIGATION

Gustafson Gluek PLLC has led class action lawsuits on behalf of consumers alleging consumer protection violations or deceptive trade practices. These cases involve claims related to the false marketing of life insurance, defective hardware in consumer computers, misleading air compressor labeling, and rental car overcharges. Below are some representative cases involving consumer protection claims that Gustafson Gluek is currently litigating:

Champion PetFoods Litigation (multi-state actions)

Gustafson Gluek represents consumers who purchased Orijens and/or Acana brands of Champion PetFoods. Plaintiffs have brought cases in several states, including California, Minnesota, Illinois, Colorado, Wisconsin, Massachusetts and Iowa alleging that Champion PetFoods makes misrepresentations and omissions on their packaging of these dog foods.

Thomas et al. v. Beech-Nut Nutrition Co. (N.D.N.Y.); McKeon et al. v. Plum, PBC and Plum, Inc. (N.D. Cal.); McKeon et al. v. Hain Celestial Group, (E.D.N.Y.); Hampton et al. v. Nurture, Inc. (S.D.N.Y.)

Gustafson Gluek represents proposed nationwide classes of consumers that purchased Beech-Nut, Plum Organics, Earth's Best Organics, and HappyBaby or HappyTot baby foods. Plaintiffs allege that these baby foods were deceptively marketed and sold because they contain undisclosed levels of heavy metals, including lead, cadmium, mercury and arsenic.

DATA BREACH LITIGATION

Data breaches on the internet and at point-of-sale terminals are an increasing concern for consumers and businesses alike. Data breaches can result in the loss of payment card data, as well as personally identifiable information. This can result in financial loss, identity theft, and privacy concerns.

Gustafson Gluek represents consumers and financial institutions in class actions seeking compensation, changes to data practices, and other relief for injured parties under federal and state law. Below are some representative cases that Gustafson Gluek is currently litigating or has recently litigated:

In re: Netgain Data Breach Litigation (D. Minn.)

Gustafson Gluek serves on the Executive Committee representing individuals who have had their personally identifiable information and their personal health information exposed in a breach of Netgain Technology, LLC's cloud-enabled information technology. Netgain's inadequate data practice resulted in hackers accessing this information and then demanding a ransom, which Netgain paid. This case is in the early stages of litigation.

Marriott International, Inc., Customer Data Security Breach Litigation (D. Md.)

Gustafson Gluek represents a class of consumers whose personally identifiable information, including passport information, customers' names, mailing address, and payment card numbers, as well as other highly-sensitive personal data, was compromised as the result of Marriott's and its merger partner, Starwood Hotels & Resort Worldwide, LLC's deficient data security practices. Many of these consumers have lost time and money responding to the data breach, and they face an ongoing risk of identity theft, identity fraud, or other harm.

INTELLECTUAL PROPERTY & PATENT MISUSE LITIGATION

Gustafson Gluek represents companies or individuals in asserting or protecting their intellectual property or publicity rights. They have represented patent holders against companies that are infringing the patent rights of our clients. For example, Gustafson Gluek has assisted in the prosecution of patent infringement claims involving medical devices and technology used in printing machines. They have also represented individuals whose publicity rights have been infringed.

Sometimes, however, a patent holder will attempt to abuse its exclusive rights by illegally obtaining or extending a patent. Gustafson Gluek has extensive experience in litigating cases alleging patent misuse. Often this type of patent misuse is found in the pharmaceutical industry, where a brand name pharmaceutical manufacturer will attempt to keep generic drugs off the market by unlawfully extending the life of its patent by committing fraud on the patent office or bringing sham litigation against generic manufacturers for patent infringement. The attorneys at Gustafson Gluek are actively involved in cases involving claims of patent abuse. Below are some representative patent misuse cases that Gustafson Gluek is currently litigating:

In re Remicade Antitrust Litigation (E.D. Pa.)

Gustafson Gluek represents a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs allege anticompetitive conduct by defendants Johnson & Johnson and Jassen Biotech, Inc. in the biosimilars market. Discovery is ongoing in this litigation.

In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation (E.D.N.Y.)

Gustafson Gluek represents a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs allege that defendant Allergan engaged in a multifaceted conspiracy to delay generic competition for its brand-name drug Restasis. Motions for class certification in this matter are pending.

In re Opana ER Antitrust Litigation (N.D. Ill.)

Gustafson Gluek represents a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs allege that defendants, Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Penwest Pharmaceuticals Co. (collectively, "Endo"), and Impax Laboratories, Inc., engaged in anticompetitive conduct to keep generic alternatives to Opana ER off the market.

PRODUCTS LIABILITY LITIGATION

Sometimes, consumers are injured by the products they purchase. Products liability is an area of law that seeks to hold manufacturers of products that have injured individuals responsible for the injuries their defective products caused. These defective products range from medical devices to vehicles to diapers and many others. Gustafson Gluek PLLC represents consumers against the manufacturers of these defective products and has been able to achieve sizable recoveries on behalf of injured individuals. Below are some representative product liability cases that Gustafson Gluek is currently litigating:

Graves v. 3M Co. (D. Minn. / Minn. State Court)

Gustafson Gluek represents civilians who purchased and used the 3M/Aero manufactured dual-sided earplugs for use in both job and recreational endeavors and who have since experienced hearing loss and tinnitus. Plaintiffs allege that the Defendant failed to properly instruct Plaintiffs on how to use these devices.

In re FCA US LLC Monostable Electronic Gearshift Litigation (E.D. Mich.)

Gustafson Gluek serves on the Plaintiffs' Steering Committee and represents individuals who owned or leased 2012-2014 Dodge Chargers, 2014-2015 Chrysler 300s, and 2014-2015 Jeep Grand Cherokees. Plaintiffs allege that these vehicles contain defective gearshifts, which allow vehicles to roll away out of the park position. Issue classes have been conditionally certified.

Krautkramer et al., v. Yamaha Motor Corporation, U.S.A. (D. Minn.)

Gustafson Gluek represents a proposed class of individuals who own or lease a range of Yamaha off-road vehicles. Plaintiffs allege that these vehicles are subject to overheating and engine failure due to a defect in the vehicle engines.

Reynolds, et al., v. FCA US, LLC (E.D. Mich.)

Gustafson Gluek represents a proposed class of individuals who owned or leased 2018-2020 Jeep Wrangler and 2020 Jeep Gladiator vehicles. Plaintiffs allege that these vehicles contain a defective front axle suspension system that causes the steering wheel to shake violently while operating at highway speeds.

Rice v. Electrolux Home Prod., Inc. (M.D. Pa.); Gorczynski v. Electrolux Home Products, Inc. (D.N.J.)

Gustafson Gluek represents classes of individuals who own an Electrolux microwave with a stainless steel handles. Plaintiffs in these cases allege that these certain microwaves, which were sold to be placed over a cooktop surface, have stainless steel handles that can heat to unsafe temperatures when the cooktop below is in use.

Woronko v. General Motors, LLC (E.D. Mich.)

Gustafson Gluek represents a proposed class of individuals who owned or leased 2015-2016 Chevrolet Colorado and GMC Canyon vehicles. Plaintiffs allege that these vehicles are equipped with a defective electrical connection that causes the vehicles to lose power steering while driving under a variety of conditions. This case is in the initial pleading stage.

SECURITIES LITIGATION

Federal laws allow shareholders the right to bring a private action to recover damages the shareholder sustained as a result of securities fraud. Gustafson Gluek PLLC has worked with institutional investors and has been appointed Liaison Counsel in high profile cases in which significant recoveries for the shareholders were achieved. Below are some representative product liability cases that Gustafson Gluek is currently litigating:

Ochoa et al. v. Pershing, LLC (N.D. Texas)

Gustafson Gluek represents investors who were defrauded by Pershing, LLC as a result of Pershing's role in facilitating and profiting from the R. Allen Stanford Ponzi scheme.

Walsh, et al., v. Buchholz, et al. (D. Minn.)

Gustafson Gluek represents individuals who invested in a company that developed a novel dental anesthetic delivery system. Those individuals were defrauded when the officers and directors orchestrated a sale of the company that grossly diluted the investors' financial interest in the company.

Pro Bono & Community

At Gustafson Gluek PLLC, we recognize that those who provide legal services are in a unique position to assist others. We strongly believe in giving back to the community in which we are allowed to practice by providing legal services to those in need. The law can make an immense difference in an individual's life; however, effectively navigating the legal system is not an easy task. Providing pro bono legal services promotes access to justice, by giving counsel to those who otherwise would not have it.

In keeping with this commitment to providing representation to those who otherwise do not have access to representation, Dan Gustafson was one of four lawyers who helped develop and implement the Minnesota Pro Se Project for the Minnesota Chapter of the Federal Bar Association. Because the Federal Bar Association did not have funding for the project, Gustafson Gluek volunteered to administer the Project during its inaugural year, starting in May 2009, devoting extensive resources to matching pro se litigants with volunteer counsel. In 2010, Chief Judge Michael Davis of the District of Minnesota awarded Dan Gustafson a Distinguished Pro Bono Service Award for "rising to the Court's challenge of bringing the idea of the Pro Se Project to fruition and nurturing the Project into its current form." Gustafson Gluek has continued representing clients through the Pro Se Project since that time.

Gustafson Gluek Personnel Support the Following Volunteer Organizations

- American Antitrust Institute
- American Bar Association
- Animal Legal Defense Fund
- Association of Legal Administrators
- Cookie Cart
- COSAL
- Division of Indian Work
- Domestic Abuse Project
- Federal Bar Association
- Federal Pro Se Project
- Hennepin County Bar Association
- Infinity Project
- Minnesota Paralegal Association
- Minnesota State Bar Association
- Minnesota Women Lawyers
- MinnPost
- MN Chapter of the Federal Bar Association
- MN Urban Debate League
- Page Education Foundation
- Southern MN Regional Legal Services
- The Fund For Legal Aid Society
- University of Minnesota Mood Courts
- University of St. Thomas Mentor
- Externship Program
- Volunteer Lawyers Network
- With Purpose

Our Professionals

DANIEL E. GUSTAFSON

Daniel E. Gustafson is a founding member of Gustafson Gluek PLLC. Mr. Gustafson has dedicated his career to helping individuals or small businesses litigate against large corporation for various antitrust, product defect or consumer fraud violations. He has also strived to use his legal skills to represent those who cannot otherwise afford a lawyer. Mr.

Gustafson served as a volunteer public defender in federal court, he was involved in helping develop the Federal Bar Association's Pro Se Project, which coordinates volunteer representation for pro se litigants, and he has spent thousands of hours representing individuals on a pro bono basis. In 2019, he was given a lifetime achievement award by the Minnesota Federal Bar Association for his work on the Pro Se Project.

Mr. Gustafson is admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the District of North Dakota, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Michigan, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Eighth and Eleventh Circuits, the Minnesota Supreme Court and in the United States Supreme Court.

Mr. Gustafson was an adjunct professor at the University of Minnesota Law School for many years, teaching a seminar long course on the "Fundamentals of Pretrial Litigation."

Mr. Gustafson is a past president of the Federal Bar Association, Minnesota Chapter (2002-2003) and served in various capacities in the Federal Bar Association over the last several years. He was the Vice-Chair of the 2003 Eighth Circuit Judicial Conference held during July 2003 in Minneapolis (Judge Diana E. Murphy was the Chair of the Conference). He is a member of the Hennepin County, Minnesota, Federal, and American Bar Associations.



In September 2011, Mr. Gustafson testified before the House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet regarding the proposed merger between Express Scripts and Medco. Mr. Gustafson also testified before the United States Congressional Commission on Antitrust Modernization in June 2005. In addition to congressional testimonies, Mr. Gustafson has authored or presented numerous seminars and continuing legal education pieces on various topics related to class action litigation, antitrust, consumer protection or legal advocacy.

Mr. Gustafson served as a law clerk to the Honorable Diana E. Murphy, United States District Judge for the District of Minnesota (1989-91). Following his judicial clerkship, Mr. Gustafson worked in the fields of antitrust and consumer protection class action litigation. In May 2003, Mr. Gustafson formed Gustafson Gluek PLLC where he continues to practice antitrust and consumer protection class action law.

At A Glance

Education

- University of Minnesota Law School - J.D., cum laude (1989)
- University of North Dakota - B.S., magna cum laude (1986)

Court Admissions

- Minnesota
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the First, Second, Third, Fifth, Sixth, Eighth, Tenth and Eleventh Circuits
- U.S. Supreme Court

Recognition

- Lifetime Achievement Award from the District of Minnesota Bar (2019)
- Selected as a Minnesota "Super Lawyer" by Super Lawyers (2001 - 2021)
- Selected as Attorney of the Year by Minnesota Lawyer (2010, 2013, 2017)
- Ranked in the "Top 100 Minnesota Lawyers" by Super Lawyer (2012-2019)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018, 2020)
- American Antitrust Institute Meritorious Service Award (2014)
- Director of The Fund for Legal Aid Board (2014-2018)
- Infinity Project Board Member (2015)
- MWL President's Leadership Circle (2013-2014)
- UST School of Law Mentor (2014-2015)
- AAI Annual Private Enforcement Award and Conference committee member (2014- 2016)
- Richard S. Arnold Award for Distinguished Service (2021)

Mr. Gustafson has been actively involved in many cases, in which he, or the Firm, has been named Lead Counsel, Co-Lead Counsel, Co-Lead Trial Counsel, or Settlement Counsel, including:

- *In re Syngenta Litig.* (Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N. D. Ill.)
- *In re Surescripts Antitrust Litig.* (N.D. Ill.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *Precision Assocs. Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re DRAM Antitrust Litig.* (N.D. Cal.)
- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)
- *In re DPP Beef Antitrust Litig.* (D. Minn.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *3M Earplugs Litig.* (Minn.)

KARLA M. GLUEK

Karla M. Gluek is a founding member of Gustafson Gluek PLLC. Ms. Gluek has been practicing in the areas of antitrust and consumer protection class action litigation since 1995, following her clerkship to the Honorable Gary Larson, District Judge, Fourth Judicial District of Minnesota. Since then, Ms. Gluek has spent her career representing individuals and small businesses against large corporation for various antitrust, product defect or consumer fraud violations.

In May 2003, Ms. Gluek joined Mr. Gustafson in forming Gustafson Gluek PLLC. In 2020, Ms. Gluek was elected as the Firm Manager for Gustafson Gluek, becoming the first woman to serve in that position at the Firm.

Throughout her law career, Ms. Gluek has also spent thousands of hours representing individuals on a pro bono basis as part of her commitment to justice for all. She has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal Pro Se Project.

Ms. Gluek is admitted to practice in the United States District Court for the District of Minnesota and the Eighth Circuit Court of Appeals. She is a member of the Hennepin County, Minnesota, and Federal Bar Associations. Ms. Gluek is also an active member of the Minnesota Women's Lawyers. She has been recognized several times as a North Star Lawyer for providing at least 50 hours of pro bono legal services in a calendar year to individuals with need. She has assisted in the representation of pro se litigants through the Federal Bar Association's Pro Se Project in addition to those referred to Gustafson Gluek by other sources. She was part of the team at Gustafson Gluek that represented a class of civilly committed sex offenders challenging the constitutionality of Minnesota's commitment statutes in *Karsjens et al v. Jesson* (D. Minn.).



At A Glance

Education:

- William Mitchell College of Law, *cum laude*, J.D. (1993)
- University of St. Thomas, B.A. (1990)

Court Admissions:

- Minnesota State Bar
- U.S. District Court for the District of Minnesota

Recognition:

- Selected as a Minnesota “Super Lawyer” by *Super Lawyers* (2011 – 2021)
- Selected as an Attorney of the Year by *Minnesota Lawyer* (2014, 2017)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018)

Ms. Gluek has been designated *Law & Politics* magazine as a Minnesota “Super Lawyer” from 2011-2020 and has twice been selected as one of *Minnesota Lawyer’s* Attorneys of the Year.

Ms. Gluek has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *In re Syngenta Litig.* (Minn.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *3M Company Earplugs Litig.* (Minn.)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *In re Beech-Nut Nutrition Co. Baby Food Litig.* (N.D. N.Y.)

ABOU B. AMARA, JR.

Mr. Amara joined Gustafson Gluek PLLC as an associate in August 2021, after clerking for Associate Justice Anne K. McKeig and Associate Justice Paul C. Thissen of the Minnesota Supreme Court. As an associate at the Firm, Abou will be representing individuals and small businesses alleging antitrust, consumer, civil rights, and constitutional violations in both state and federal court. Before clerking on the Minnesota Supreme Court, Mr. Amara was an associate attorney at a well respected Minneapolis law firm.



During law school, Mr. Amara was a two-time National Moot Court individual champion—earning the “Best Oralist” award at both the 2018 William E. McGee National Moot Court Competition on Civil Rights and the 2019 Evan A. Evans National Moot Court Competition on Constitutional Law. Mr. Amara was also elected by his law school classmates to serve as commencement speaker.

Before law school, Mr. Amara had an extensive career in the legislative and political arena, including serving as a top aide to the Minnesota Speaker of the House, Minnesota Secretary of State, and frequent TV/radio commentator and analyst on Minnesota politics and public affairs.

In 2015, Mr. Amara was named to Twin Cities Business Magazine’s “100 Minnesotans to Know” list for his impact in the public affairs arena and honored as a Minnesota “Shaper of the Future” by the publication.

Mr. Amara currently serves on the board of MicroGrants, a nonprofit dedicated to providing \$1,000 grants to low-income people pursuing potential to invest in their lives, and is a member of the leadership team of the Minnesota Association of Black Lawyers, serving as the organization’s treasurer.

At A Glance

Education

- Juris Doctor (JD), University of St. Thomas
- Master of Public Policy (MPP), University of Minnesota-Hubert H. Humphrey School of Public Affairs
- Bachelor of Arts (BA) University of Wisconsin-Eau Claire

Court Admissions

- Minnesota Supreme Court (Minn.)
- United States District Court for the District of Minnesota (D. Minn.)

Mr. Amara has worked on several cases in which Gustafson Gluek is, or has been appointed to leadership positions or been actively involved, including:

- *In re DPP Beef Litig.* (D. Minn.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *Roamingwood Sewer v. National Diversified Sales, Inc.* (M.D. Pa.)
- *Mortgage Refinancing (Investigating)*
- *Oil and Gas Litigation (Investigating)*

AMANDA M. WILLIAMS

Amanda M. Williams is a member of Gustafson Gluek PLLC. Ms. Williams joined the Firm in 2005, following her clerkship with the Honorable Gordon W. Shumaker, Minnesota Court of Appeals. Since then, she has been actively litigating consumer protection, product liability, and antitrust class actions.

Ms. Williams is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Ms. Williams is an active member of Minnesota Women Lawyers and is former chair of the Law School Scholarship Committee. She currently serves on the Board of the Infinity project, which is an organization whose mission is to increase the gender diversity of the state and federal bench in order to ensure the quality of justice in the Eighth Circuit.

She serves as a volunteer attorney for the Minnesota Federal Bar Association's Federal Pro Se Project and is a recipient of the Minnesota chapter of the Federal Bar Association's 2011 Distinguished Pro Bono Service award.

Ms. Williams has been recognized as a "Rising Star" from 2014-2019 by Super Lawyers and was selected as one of Minnesota Lawyer's Attorneys of the Year in 2017.



At A Glance

Education

- University of Minnesota Law School - J.D. (2004)
- Participant in the comparative international law program in Greece
- Participant in the Jessup International Law Moot Court
- University of St. Thomas - B.A., magna cum laude (2001)

Recognition

- Selected as a Minnesota "Rising Star" by Super Lawyers (2013-2019)
- Selected as a Minnesota "Super Lawyer" by Super Lawyers (2021)
- MSBA North Star Lawyer (2015)
- Minnesota District Court's Distinguished Pro Bono Service Award (2011)
- Selected as an Attorney of the Year by Minnesota Lawyer (2017)

Ms. Williams has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *In re Medtronic, Inc., Implantable Defibrillators Prod. Liab. Litig.* (D. Minn.)
- *In re Syngenta Litig.* (Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *Ciofoletti et al. v. Securian Financial Group, Inc.* (D. Minn.)
- *Reed, et al. v. Advocate Health Care, et al.* (N.D. Ill.)
- *Graves v. 3M Company Earplugs Litig.* (Minn.)
- *In re Medtronic Inc. Sprint Fidelis Leads Prod. Liab. Litig.* (D. Minn.)
- *Karsjens et al v. Jesson* (D. Minn.)
- *St. Jude (Pinsonneault v. St. Jude Medical, Inc., et al.* (D. Minn.); *Houlette v. St. Jude Medical Inc., et al.* (D. Minn.); *Rouse v. St. Jude Medical, Inc., et al.* (D. Minn.))
- *Jessica Robinson v. Jackson Hewitt, Inc., et al.* (E.D. Va.)
- American Home Realty Network (*Regional Multiple Listing Service of Minnesota, Inc., d/b/a NorthstarMLS v. American Home Realty Network, Inc.*, (D. Minn.); *Metropolitan Regional Information Systems, Inc., v. American Home Realty Network, Inc.* (D. Md.); *Preferred Carolinas Realty, Inc., v. American Home Realty Network, Inc., d/b/a Neighborcity.com* (M.D.N.C.))

CATHERINE K. SMITH

Catherine Sung-Yun K. Smith is a member of Gustafson Gluek PLLC. Since joining the firm in 2007, Ms. Smith has been practicing in the area of complex antitrust and consumer protection litigation, particularly cases involving foreign entities. Ms. Smith is fluent in Korean and English and also has basic language skills in German, Japanese, and Chinese.

Ms. Smith has been serving on the Antitrust Enforcement Award Judging Committee for the American Antitrust Institute since 2015. She is an active member of Minnesota Women Lawyers and the Federal Bar Association focusing on issues of diversity. Ms. Smith was selected as a Minnesota "Rising Star" from 2013-2016 by Super Lawyers.



Ms. Smith has represented many *pro se* litigants through the Federal Bar Association's *Pro Se* Project in addition to those referred to Gustafson Gluek by other sources and received the Distinguished Pro Bono Service Award in 2010 for her efforts.

She is a graduate of Korea University (B.A. 2000) and a graduate of University of Minnesota Law School (J.D. 2005). Ms. Smith is admitted to the New York Bar, Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

At A Glance

Education

- University of Minnesota Law School - J.D. (2005)
- Director of the Civil Practice Clinic (2003-2004)
- Director of the William E. McGee National Civil Rights Moot Court Competition (2003-2004)
- Participant in the Maynard Pirsig Moot Court (2003-2004)
- Korea University - B.A. (2000)

Recognition

- Selected as a Minnesota "Rising Star" by Super Lawyers 2013-2016
- Distinguished Pro Bono Service Award (2010)

Ms. Smith has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Nurture Baby Food Litig.* (S.D. N.Y.)
- *In re Beech-Nut Nutrition Co. Baby Food Litig.* (N.D. N.Y.)
- *In Re Hain Celestial Heavy metal Baby Food Litig.* (E.D. N.Y.)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *In re Hard Disk Drive Suspension Assemblies Antitrust Litig.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drive Products Antitrust Litig.* (N.D. Cal.)
- *In re Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.)
- *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.)
In re Remicade Antitrust Litig. (E.D. Pa.)
- *Fath et al. v. Honda North America, Inc.* (D. Minn.)
- *Penrod et al. v. K&N Engineering, Inc.* (D. Minn.)
- *Frost et al. v. LG Corp., et al.* (N.D. Cal.)
- *In re Railway Industry Employee No-Poach Antitrust Litig.* (W.D. Pa.)
- *In re Korean Air Lines Co. Ltd. Antitrust Litig.* (C.D. Cal.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)

DANIEL C. HEDLUND

Daniel C. Hedlund is a member of Gustafson Gluek PLLC, having joined the Firm in 2006. Throughout his legal career, Mr. Hedlund has practiced in the areas of antitrust, securities fraud, and consumer protection, and, in 2021, Mr. Hedlund was appointed to Co-Chair the Firm's antitrust litigation team.

Mr. Hedlund is admitted to practice in the United States District Court for the District of Minnesota, the Eighth Circuit Court of Appeals, the Second Circuit Court of Appeals, and in Minnesota State Court. He is a member of the Federal, American, Minnesota, and Hennepin County Bar associations.

Mr. Hedlund is active in the Minnesota Chapter of the Federal Bar Association (FBA), currently serving as President for the Minnesota chapter of the FBA. He has previously served in several roles for the Minnesota Chapter

including: Co-Vice President for the Eighth Circuit, Legal Education; Co-Vice President, Special Events; Co-Vice President, Monthly Meetings; Secretary; and Liaison between the FBA and the Minnesota State Bar Association. He recently served as Chairman for the Antitrust Section of the Minnesota State Bar Association (MSBA), Secretary for the MSBA Consumer Litigation Section, and is past President of the Committee to Support Antitrust Laws.

In addition to presenting at numerous CLEs, Mr. Hedlund has testified multiple times before the Minnesota legislature on competition law, and before the Federal Rules Committee. He is a co-author of the "Plaintiff Overview" in *Private Antitrust Litigation 2015 – Getting the Deal Through*, and a contributor to *Concurrent Antitrust Criminal and Civil Procedure 2013 – American Bar Association*.



At A Glance

Education

- University of Minnesota Law School - J.D., *cum laude* (1995)
- Note and Comment Editor, member of Minnesota Journal of Global Trade (1993-1995)
- Carleton College - B.A. (1989)

Recognition

- Selected as a Minnesota "Super Lawyer" by *Super Lawyers* (2013-2021)
- Ranked in the Top 100 Minnesota Lawyers by *Super Lawyer* (2015, 2017-2020)
- Minnesota District Court's Distinguished *Pro Bono* Service Award (2011)
- Recipient of the Federal Bar Association's John T. Stewart, Jr. Memorial Fund Writing Award (1994)

Publications

- Co-Authored "Plaintiff Overview" in *Private Antitrust Litigation 2015 – Getting the Deal Through*
- Contributor to *Concurrent Antitrust Criminal and Civil Procedure 2013* – American Bar Association

In 2013-2020, he has been designated as a Minnesota "Super Lawyer," in the field of antitrust law. He was also ranked in the Top 100 Minnesota Lawyers by *Super Lawyers* in 2015 and 2017-2020. Mr. Hedlund has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project and is the recipient of the Minnesota District Court's Distinguished *Pro Bono* Service Award in 2011.

Mr. Hedlund served as a law clerk on the Minnesota Court of Appeals (1997) and in the Fourth Judicial District of Minnesota (1995-1996).

Mr. Hedlund has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Beef DPP Antitrust Litig.* (D. Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Interior Molded Doors Indirect Purchaser Antitrust Litig.* (E.D. Va.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *Bhatia v. 3M Co.* (D. Minn.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Kleen Prods. v. Intl. Paper (Containerboard Antitrust Litig.)* (N.D. Ill.)
- *In re CenturyLink Sales Practices and Securities Litig.* (D. Minn.)
- *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.)
- *In re DRAM Antitrust Litig.*

DANIEL J. NORDIN

Daniel J. Nordin joined Gustafson Gluek PLLC as an associate in 2011, when he graduated from the University of Minnesota law school. Since joining the Firm, he has practiced in the areas of antitrust and consumer protection, representing primarily small businesses and individuals bringing claims against large corporations. Mr. Nordin became a member of Gustafson Gluek in 2019.

In addition to his day to day practice, Mr. Nordin has represented several individuals through the Minnesota Federal Bar's *Pro Se Project*, a program that matches pro se litigants with pro bono attorneys.

Mr. Nordin has been designated as a Minnesota "Rising Star" by *Super Lawyers* from 2018 – 2020. "Super Lawyer" selection results from peer nominations, a "blue ribbon" panel review process and independent research on the candidates; no more than 2.5% of lawyers in Minnesota are selected as "Rising Stars."

Mr. Nordin is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota. He is also a member of the Federal Bar Association and the Minnesota Bar Association.

In law school, Mr. Nordin was a Managing Editor on the *Minnesota Journal of Law, Science & Technology*. He also volunteered as a Tenant Advocate with HOME Line, a nonprofit tenant advocacy organization, through the University of Minnesota Law School's Public Interest Clinic.



At A Glance

Education

- University of Minnesota Law School - J.D., *magna cum laude* (2011)
- Managing Editor on the *Minnesota Journal of Law, Science & Technology*
- University of Minnesota - B.A., *with high distinction* (2007)

Court Admissions

- Minnesota State Bar
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Michigan

Recognition

- Selected as a Minnesota "Rising Star" by Super Lawyers (2018-2021)
- MSBA North Star Lawyer (2020)

Mr. Nordin has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- Google Digital Publisher Antitrust Litig. (S.D. N.Y.)
- *In re Crop Inputs Antitrust Litig.* (E.D. Mo.)
- *Jones v. Varsity Brands, LLC* (W.D. Tenn.)
- *In Re Hard Disk Drive Suspension Assemblies Antitrust Litig.* (N.D. Cal.)
- *In re FICO Antitrust Litig.* (N.D. Ala.)
- *In re Blue Cross Blue Shield Antitrust Litigation* (N.D. Ala.)
- *In re Dealer Management Systems Antitrust Litigation* (N.D. Ill.)
- *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.)
- *In re Resistors Antitrust Litig.* (N.D. Cal.)
- *The Shane Group, Inc., et al., vs. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *In re Parking Heaters Antitrust Litig.* (E.D.N.Y.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re Drywall Antitrust Litig.* (E.D. Pa.)

DAVID A. GOODWIN

David A. Goodwin is a member of Gustafson Gluek PLLC. When Mr. Goodwin joined the Firm in 2008, he began practicing in the areas of antitrust, securities and consumer protection. Since then, he has represented many small businesses and individuals in litigating their claims against some of the largest companies in the world.

In addition, Mr. Goodwin has served as counsel to many individuals on a pro bono basis through his work with the Minnesota Federal Court's *Pro Se* Project, which matches pro se litigants with pro bono attorneys. Through the *Pro Se* Project, Mr. Goodwin has represented individuals in bringing employment claims, constitutional claims and other civil claims that might otherwise not have been heard.

Mr. Goodwin is admitted to practice in the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Mr. Goodwin is active in the Federal Bar Association on the national level as well as with the Minnesota Chapter. He has served as a National Director of the FBA. He is also a past Chair of the Younger Lawyers Division. Currently, he is an Eight Circuit Vice President. David is also a Director of the Minnesota Chapter of the FBA, where he serves as the FBA Liaison for the *Pro Se* Project. Mr. Goodwin is also active with the Minnesota State Bar Association, where he has served as a Co-Chair of the Consumer Litigation Section.



At A Glance**Education**

- DePaul University College of Law - J.D. (2006)
- University of Wisconsin - B.A. (2001)

Recognition

- Selected as a Minnesota "Rising Star" by Super Lawyers (2013-2018)
- MSBA North Star Lawyer (2012-2016, 2018, 2020)

Mr. Goodwin is currently or has recently worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *Salmons v. National Railroad Passenger Corp., d/b/a AMTRAK* (D.D.C.)
- *FCA US LLC Monostable Electronic Gearshifts Litig.* (E.D. Mich.)
- *Krautkramer v. Yamaha Motor Corporation, USA* (D. Minn.)
- *Reynolds, et al., v. FCA US, LLC* (E.D. Mi.)
- *Gisairo v. Lenovo (United States) Inc.* (D. Minn.)
- *Luis, et al., v. RBC Capital Markets, LLC* (D. Minn.)
- *Kottemann Orthodontics, P.L.L.C. v. Delta Dental Plans Association, et al.* (D. Minn.)
- *In re: Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Karsjens et al. v. Jesson* (D. Minn.)
- *In re: National Prescription Op*
- *Phillips v. Caliber Home Loans* (D. Minn.)
- *Woronko v. General Motors, LLC* (E.D. Mich.)
- *Dryer et al. v. Nat'l Football League* (D. Minn.)
- *National Hockey League Players' Concussion Injury Litig.* (D. Minn.)
- *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.)

DENNIS STEWART

Dennis Stewart joined Gustafson Gluek PLLC as a member in 2019, opening the Firm's San Diego office. Mr. Stewart comes to Gustafson Gluek with years of experience in litigating antitrust, consumer and securities class and individual actions. His cases have ranged across a wide variety of industries including carbon fiber, credit card fees, interchange, casino gaming, sports broadcasting, college athletics, rental car fees, electronics components, medical devices, medical services, casino gaming, and defense procurement. He is currently serving as one of the counsel in the leadership group in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* He also is one of the counsel participating in the representation of End Purchaser Plaintiffs in *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.), Commercial and Industrial Indirect Purchaser Plaintiffs in *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.) and trial counsel in *In re Disposable Contact Lens Antitrust Litigation*.



At A Glance

Education

- Hofstra University - J.D.

Court Admissions

- California State Bar
- New York State Bar (inactive)

Between 1981 and 1985, he worked for a major San Diego law firm and engaged in a general commercial litigation practice. Between 1985 and 1988, Mr. Stewart served as a trial attorney with the Antitrust Division of the United States Department of Justice. While at the Antitrust Division, Mr. Stewart participated in investigations and trials involving alleged criminal violations of the

antitrust and related laws in waste hauling, movie exhibition, and government procurement and was lead trial counsel in the successful prosecution through trial of *United States v. Saft America, Inc.* (D.N.J.).

Since leaving government service, Mr. Stewart has served as Lead Counsel, Principal Counsel and/or Trial Counsel in numerous antitrust, consumer and securities cases, both class and non-class. He was Lead Trial Counsel in *Knapp v. Ernst & Whinney* (9th Cir. 1996), in which a plaintiffs' verdict was returned in a Rule 10b-5 securities fraud class action, and *Hall v. NCAA*, (D. Kan.) in which Plaintiffs' verdicts were returned for NCAA assistant coaches.

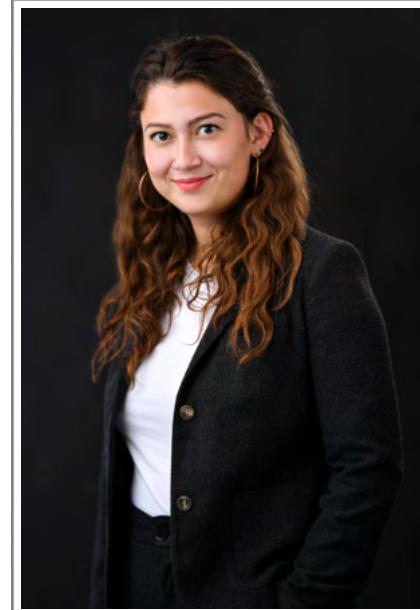
Mr. Stewart has also served as Co-Lead Trial Counsel, Co-Lead Counsel, Trial Counsel or played an integral role in the following litigation:

- *In re Airline Ticket Commission Antitrust Litig.* (D. Minn.)
- *In re Contact Lens Antitrust Litig.* (M.D. Fla.)
- *In re Lifescan Consumer Litig.* (N.D. Cal.)
- *Carbon Fiber Antitrust Litig.* (C.D. Cal.)
- *In re Currency Conversion Litig.* (S.D.N.Y.)
- *Schwartz v. Visa* (Cal. Sup Ct.)
- *In re Polypropolene Carpet Antitrust Litigation* (N.D. Ga.)
- *Shames v. Hertz Corp.* (S.D. Cal.)
- *In re Broadcom Securities Litig.* (C.D.Cal.)

FRANCES MAHONEY-MOSEDALE

Ms. Mahoney-Mosedale became an associate of Gustafson Gluek PLLC in 2021 after clerking for the firm throughout law school.

Ms. Mahoney-Mosedale represents individuals and small businesses on behalf of themselves and/or a class in the areas of consumer protection, product defect, and antitrust. Ms. Mahoney-Mosedale is actively involved in assisting to represent individuals on a pro bono basis through the Minnesota Federal Bar Associations Pro Se Project, which matches pro se litigants to pro bono clients. She is an active member of Minnesota Women Lawyers, the American Bar Association, Federal Bar Association, Minnesota State Bar Association, and the Lavender Bar Association.



Ms. Mahoney-Mosedale has a Bachelor of Arts from Lewis & Clark college, graduating with a major in English and a minor in Gender Studies. Frances is also a graduate of the University of Minnesota Law School.

At A Glance

Education

- University of Minnesota Law School - J.D., 2021
- Lewis and Clark College - B.A.. 2016

Court Admissions

- Minnesota State Bar
- United States District Court for the District of Minnesota

JASON S. KILENE

Jason Kilene is a member of Gustafson Gluek PLLC. He is a graduate of the University of North Dakota (B.A. 1991) and a graduate of the University of North Dakota School of Law (J.D., *with distinction*, 1994).

Mr. Kilene joined Gustafson Gluek in 2003 and became a member shortly thereafter. Prior to joining Gustafson Gluek, Jason served as a law clerk to the Honorable Bruce M. Van Sickle, United States District Judge for the District of North Dakota. Following his clerkship, Mr. Kilene represented numerous clients in the areas of commercial and complex litigation. Since then, Jason has continued his practice in the areas of antitrust, consumer protection and other complex litigation.



Mr. Kilene is admitted to the Minnesota Bar, North Dakota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the District of North Dakota. He is also a member of the Hennepin County, Minnesota, North Dakota, and Federal Bar Associations.

Mr. Kilene currently represents individuals and businesses harmed by anticompetitive business practices. He was part of the trial team that successfully recovered damages suffered by his clients due to alleged defective software in *In re J.D. Edwards World Solutions Company*, (AAA) (trial counsel for plaintiffs Quantegy and Amherst). Mr. Kilene also plays a significant role in identification, investigation, initiation and development of complex class action matters, along with his significant involvement with client relations.

At A Glance

Education

- University of North Dakota School of Law - J.D., with distinction (1994)
- University of North Dakota - B.A. (1991)

Court Admissions

- Minnesota State Bar
- North Dakota State Bar
- U.S. District Court for the District of Minnesota
- U.S. District Court for the District of North Dakota

Mr. Kilene has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Transpacific Passenger Air Transportation Antitrust Litig.* (N.D. Cal.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Pa.)
- *In re Payment Card Interchange Fee and Merchant Discount Litig.* (E.D.N.Y.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Penn.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drive Antitrust Litig.* (N.D. Cal.)

JOSHUA J. RISSMAN

Joshua Rissman joined Gustafson Gluek in 2010 as an associate and became a member of the Firm in 2018. Since joining the Firm, Mr. Rissman has focused his practice on antitrust and class action litigation. Mr. Rissman prides himself on vigorously representing small businesses and individuals damaged by wrongful corporate and government conduct.

In addition to his antitrust class action practice, Mr. Rissman has brought several pieces of important constitutional litigation involving mistreatment of juvenile detainees and police brutality. He currently represents a former juvenile detainee who alleges he was abused at the Minnesota Correctional Facility – Red Wing, and that the administration was aware of the risks to the juvenile and failed to protect him. *Doe v. Hanson et al.* (Minn.) Mr. Rissman was also the lead attorney in a section 1983 constitutional rights action brought on behalf of the family of a man killed by Brooklyn Center police officers in 2015. *Khottavongsa v. City of Brooklyn Center* (D. Minn.). Mr. Rissman is also representing a class of protestors who were unlawfully subjected to tear gas and pepper spray in the protest following the George Floyd protest. *Samaha, et al. v. City of Minneapolis, et al* (D. Minn.).

Mr. Rissman was selected a Minnesota Rising Star by Super Lawyers in the area of antitrust litigation (2014 – 2018). He is the Treasurer of the Antitrust Section of the Federal Bar Association, and counsel member of the Minnesota Bar Association Antitrust Section. Joshua also participates in the Pro Se Project, representing civil litigants in federal court who would otherwise go without representation.



At A Glance

Education

- University of Minnesota Law School - J.D., *cum laude* (2010)
- University of Minnesota - B.A., *magna cum laude* (2005)

Recognition

- Selected as a Minnesota "Super Lawyer" by Super Lawyers (2021)
- Selected as a Minnesota "Rising Star" by Super Lawyers (2014-2020)

Mr. Rissman has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re DPP Beef Antitrust Litig.* (D. Minn.)
- *In re Containerboard Antitrust Litig.* (N.D. Ill.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In National Hockey League Players' Concussion Injury Litig.* (D. Minn.)
- *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *In re Lithium Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drives Litig.* (N.D. Cal.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Opana Antitrust Litig.* (N.D. Ill.)
- *City of Wyoming et al. v. Procter & Gamble Company* (D. Minn.)

KAITLYN L. DENNIS

Kaitlyn L. Dennis joined Gustafson Gluek PLLC as an associate in 2016. Since joining the Firm, Ms. Dennis has been practicing in the areas of consumer protection, product liability and antitrust litigation.

In addition to her regular practice, Ms. Dennis has assisted multiple pro se litigants through the Federal Bar Association's Pro Se Project and is recognized as a North Star Lawyer for providing at least 50 hours of pro bono legal services in a calendar year. She recently was the lead attorney in an arbitration trial alleging workplace discrimination on behalf of a pro bono client.

In November 2019, she was a featured speaker at the American Antitrust Institute's Young Lawyers Breakfast in Washington D.C. She is an active member of the American Bar Association, Federal Bar Association, Minnesota Bar Association, Minnesota Women Lawyers, and the Young Lawyers Division of the Committee to Support the Antitrust Laws ("COSAL"). In 2022 Ms. Dennis was one of the primary authors of an amicus brief filed by COSAL in the ninth circuit in the *Epic v. Apple* appeal.



Ms. Dennis is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Prior to joining Gustafson Gluek, Ms. Dennis worked as a fellowship attorney at the Equal Employment Opportunity Commission and assisted the Honorable Arthur J. Boylan, ret., during the mediation of the bankruptcy of the Archdiocese of St. Paul and Minneapolis.

At A Glance

Education

- University of Minnesota Law School - J.D. (2015)
- Dean's list at U of M Law School (2012–2015)
- Southwestern University - B.A. (2010)
- Managing Editor of the *Minnesota Law Review*
- Highest Grade (Book Award), Professional Responsibility: Civil Trial Law

Recognition

- MSBA North Star Lawyer (2018-2020)

Speaking Engagements

- American Antitrust Association, Young Lawyer's Breakfast (November 12, 2019)
- Minnesota Federal Bar Association, *Pro Se Project and a Pint* (January 10, 2019)

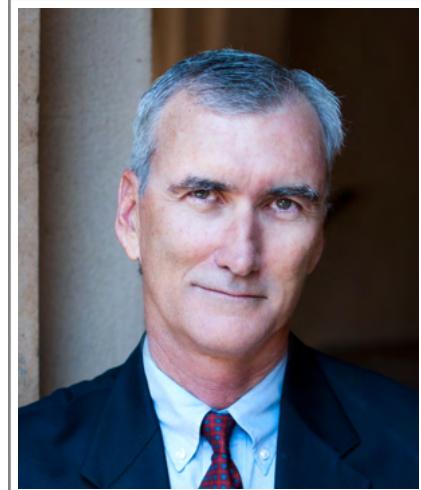
Ms. Dennis has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *Forest River Farms v. Deere & Co.* (N.D. Ill.)
- *In re Interior Molded Doors Indirect Purchaser Antitrust Litig.* (E.D. Va.)
- *In re Equifax, Inc. Customer Data Security Breach Litig.* (N.D. Ga.)
- *FCA US LLC Monostable Electronic Gearshifts Litig.* (E.D. Mich.)
- *Kjessler v. Zaappaaz, Inc. et al.* (S.D. Tex.)
- *Fath v. American Honda Motor Co., Inc.* (D. Minn.)
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Volkswagen "Clean Diesel" Marketing Sales Practices, and Products Liability Litig.* (N.D. Cal.)
- *In re Surescripts Antitrust Litig.* (N.D. Ill.)
- *In re Crop Inputs Antitrust Litig.* (E.D. Mo.)
- *Wood Mountain Fish LLC v. Mowi ASA* (S.D. Fla.)

KIRK HULETT

Kirk Hulett joined Gustafson Gluek PLLC in 2019 and is located in our San Diego office. Mr. Hulett has been named a San Diego Top Rated Securities Lawyer by Super Lawyers Magazine each year since 2010.

Mr. Hulett graduated from the University of California San Diego, where he obtained his undergraduate degree (1978). He then graduated cum laude from the University of San Diego School of Law (J.D. 1983), where he was Managing Editor of the University of San Diego Law Reporter. Since 1984, Mr. Hulett has specialized in the representation of plaintiffs in securities, antitrust, employment and consumer class actions as well as representing individuals and businesses in complex litigation.



At A Glance

Education

- University of San Diego Law School, J.D. (1983)
- University of California San Diego, B.A. (1978)

Court Admissions

- California State Bar
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Supreme Court

Prior to co-founding Hulett Harper Stewart LLP in 2000, Mr. Hulett was a partner in the largest national class action firm in the country. He has testified before the California Assembly Business and Professions Committee on the topic of potential regulatory and auditor liability reforms following the Enron financial collapse and participated as a panelist on several occasions. He has been named a San Diego Top Rated Securities Lawyer by Super Lawyers Magazine each year since 2010. He is admitted to all of the District Courts in California, numerous other District Courts across the country by pro hac admission, the Ninth Circuit Court of Appeals and the United States Supreme Court. Mr. Hulett joined Gustafson Gluek as a member in 2019.

Mr. Hulett has been Lead or Co-Lead Counsel in dozens of class actions throughout the country, including *In re American Continental Corp./Lincoln Savings & Loan Securities Litig.* (D. Ariz.); *In re Media Vision Technology Securities Litig.* (N.D. Cal.); *Home Fed.* (S.D. Cal.); and *Gensia Pharmaceuticals*, (S.D. Cal.). He was Co-Lead trial counsel for a trustee in *Guy F. Atkinson Co. v. PriceWaterhouse LLP, et al.* (N.D. Cal.), a liability action against PriceWaterhouseCoopers, LLP, and represents several bankruptcy estates in seeking recovery against officers, directors and professionals.

He also successfully represented defrauded individual investors in the *Abbott et al. v. Worldcom Co.* (S.D.N.Y.). He was Co-Lead Counsel the securities class action, *Enriquez v. Edward Jones & Co. L.P.* (E.D. Mo.). Mr. Hulett also represented defrauded individual investors in *Bachman et al. v. A.G. Edwards* (Circuit Ct. of St. Louis) for breach of fiduciary duty. He represented an elderly individual in a Ponzi scheme case, *Meyerhoff v. Gruttadaria, et al.*, (San Diego Superior Court) against one of Wall Street's most prominent investment banks and was successful in obtaining a full recovery for the victim. He was Co-Lead Trial Counsel in *Pauma Band of Luiseno Mission Tribe v. Harrah's Operating Co., et al.* (San Diego Superior Court) on behalf of a San Diego area based Native American Tribe against Caesars Entertainment and Harrah's. Mr. Hulett has most recently been involved in representing victims of an antitrust conspiracy among the three largest suppliers of canned tuna in the world in *In Re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.).

LING S. WANG

Ling S. Wang joined Gustafson Gluek PLLC as an associate in 2017, after clerking at the Firm throughout her years in law school.

Since joining the Firm as an associate, Ms. Wang has been practicing in the areas of antitrust, consumer protection and product liability litigation. She speaks English and Fuzhouhua, and has basic language skills in Mandarin Chinese. Ms. Wang draws on her education, knowledge of multiple industries, and experience to advocate for a diverse array of clients.

In addition to her regular practice, Ms. Wang has taken on several pro bono cases. Her pro bono practice includes representing individuals in need through the FBA's *Pro Se Project* and *Volunteer Lawyers Network*.

Ms. Wang is a member of the Federal Bar Association, Minnesota Women Lawyers, and Minnesota Asian Pacific American Bar Association. As part of her volunteer work, she has been recognized as a North Star Lawyer by the Minnesota State Bar Association (2018-2019) for providing legal services to those who otherwise could not afford representation. Ms. Wang is admitted to the Minnesota State Bar and the U.S. District Court for the District of Minnesota.

During law school, Ms. Wang externed with a law firm in Edina. For two years, she provided representation to low-income persons with immigration issues as a certified student attorney with the University's Interprofessional Center for Counseling and Legal Services. Ms. Wang also completed a mentor externship



At A Glance

Education

- St. Thomas School of Law - J.D. (2017)
- Research Assistant, St. Thomas School of Law
- Member of St. Thomas Law Journal
- Augsburg University - B.A. (2013)

Recognition

- Selected as a Minnesota "Rising Star" by Super Lawyers (2018-2021)
- MSBA North Star Lawyer (2020)

program with the Honorable Steven E. Rau, Magistrate Judge, District of Minnesota and served as a judicial extern for the Honorable Mary R. Vasaly, District Judge, Fourth Judicial District of Minnesota.

Ms. Wang has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *Jones v. Varsity Brands, LLC* (W.D. Tenn.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re: Remicade Antitrust Litig.* (E.D. Pa.)
- *In re: CenturyLink Sales Practices and Securities Litig.* (D. Minn.)
- *Hall v. State of Minn.* (Minn. Dist. Ct.)
- *In re: Generic Pharmaceutical Pricing Antitrust Litig.* (E.D. Pa.)
- *In re: Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* (E.D.N.Y.)
- *In re: Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.* (E.D.N.Y.)

MARY NIKOLAI

Mary Nikolai joined Gustafson Gluek PLLC as an associate in 2019, after clerking for the Honorable Luis Bartolomei, District Judge, Fourth Judicial District of Minnesota. Since joining the Firm, Ms. Nikolai has represented individuals and classes in asserting various consumer fraud and product defect claims. She has also represented a number of former members of the nationwide FLSA collective alleging off-the-clock work in arbitrations throughout the country.

Ms. Nikolai is admitted to the Minnesota State Bar and the United States District Court for the District of Minnesota. She is also an active member of the Federal Bar Association and the Minnesota Women's Lawyers.

During law school, Ms. Nikolai clerked for two Twin Cities law firms and was a judicial extern for the Honorable Patrick Schiltz. She was also a Certified Student Attorney at the St. Thomas Interprofessional Center for Counseling and Legal Services, where she represented a family seeking asylum in the United States, as well as individuals at detained master calendar and bond hearings.



At A Glance

Education

- University of St. Thomas School of Law - J.D. (2018)
- DePaul University - B.A. (2012)
- Selected as the University of St. Thomas Clinic Student of the Year (2017-2018)
- North Star Lawyer (2020)

Ms. Nikolai has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Beech-Nut Nutrition Co. Baby Food Litig.*
- *In re Hain Celestial Heavy Metals Baby Food Litig.* (E.D. N.Y.)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *Castorina v. Bank of America, N.A.* (E.D. Va.)
- *Turner et al v. Chipotle Mexican Grill, Inc.* (D. Colo.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *In re Big Heart Pet Brands Litig.* (N.D. Cal.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *Bhatia v. 3M Co.* (D. Minn.)
- *Doe v. Hanson et al.* (Minn.)
- *Hudock v. LG Electronics USA, Inc.* (D. Minn.)
- *Brewster v. United States* (D. Minn.)

MICHELLE J. LOOBY

Michelle J. Looby is a member of Gustafson Gluek PLLC. Ms. Looby joined Gustafson Gluek in 2008 and became a member in 2015. She has recently been named as Co-Chair of the Firm's antitrust litigation team.

In the courtroom, Ms. Looby has served in leadership roles including as co-lead counsel, in numerous class actions. Outside the courtroom, Ms. Looby is actively involved in the legal community serving on the Advisory Board of the American Antitrust Institute, as the Chair and Diversity & Inclusion Liaison for the Minnesota State Bar Association's Antitrust Council, and on the executive committee of the Coalition in Support of the Antitrust Laws. In addition, she is actively involved in the American Bar Association, Federal Bar Association, and Minnesota Women Lawyers, previously having served on its Board of Directors. Ms. Looby also served on Law360's Competition Editorial Advisory Board, a leading daily legal news and intelligence service that reaches over one million recipients each day.

Ms. Looby is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the United States District Court for the District of North Dakota.



At A Glance

Education

- William Mitchell College of Law - J.D., magna cum laude (2007)
- Member of the William Mitchell Law Review (2005-2007)
- Assistant Editor of the William Mitchell Law Review (2006-2007)
- Recipient of the CALI Excellence for the Future Award
- University of Minnesota - B.A., with distinction (2004)

Recognition

- Named a Minnesota "Rising Star" by Super Lawyers (2014-2020)
- Named a Minnesota "Super Lawyer" by Super Lawyers (2021)
- AAI Award for Outstanding Antitrust Litigation Achievement by a Young Lawyer – 2015

Publications

- Co-Authored Plaintiff Overview Chapter of *Getting the Deal Through: Private Antitrust Litigation 2015*

Ms. Looby has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Crop Inputs* (E.D. Mo.)
- *In re Interior Molded Doors Antitrust Litig.* (E.D.V.A.)
- *In re DPP Beef Litig.* (D. Minn.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Precision Associates, Inc. et al. v. Panalpina World Transport (Holding), Ltd., et al.* (E.D.N.Y.)
- *Powell Prescription Center, et al. v. Surescripts, LLC et al.* (N.D. Ill.)
- *In re CenturyLink Residential Customer Billing Disputes Litig.* (D. Minn.)
- *In re Allura Fiber Cement Siding Products Liability Litig.* (D.S.C.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Opana ER Antitrust Litig.* (N.D. Ill.)
- *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.* (E.D.N.Y.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Celebrex (Celecoxib) Antitrust Litig.* (E.D. Va.)

NOAH COZAD

Mr. Cozad is an associate at Gustafson Gluek PLLC. Noah graduated from the University of Minnesota Law School and clerked for the Honorable Christian Sande of the Fourth Judicial District of Minnesota.

Mr. Cozad joined Gustafson Gluek PLLC as an associate in December 2021 after serving as a law clerk to the Honorable Judge Christian Sande of the Fourth Judicial District of Minnesota. As an associate, Mr. Cozad will be representing those who are alleging antitrust, consumer protection, constitutional, and products liability violations. He is passionate about promoting fair competition and a more just economy.

Mr. Cozad graduated from the University of Minnesota with a B.A. in Political Science and minors in German and Global Studies with an emphasis in Human Rights. While in law school, Mr. Cozad was the Note and Comment Editor for the Minnesota Journal of Law, Science, & Technology. He was also a trained third-party neutral with the Community Mediation Clinic where he helped members of the Twin Cities community overcome conflict and prevent litigation. He also clerked for a Twin Cities plaintiffs' employment law firm and a Minnesota state agency.

Before law school, Mr. Cozad did legislative and policy work in the United States Senate.



At A Glance

Education

- University of Minnesota - J.D. (2021)
- University of Minnesota - B.A. (2016)

Mr. Cozad has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *Jones v. Varsity Brands, LLC.* (W.D. Tenn.)
- *Wood Mountain Fish LLC v. Mowi ASA* (S.D. Fla.)

TONY STAUBER

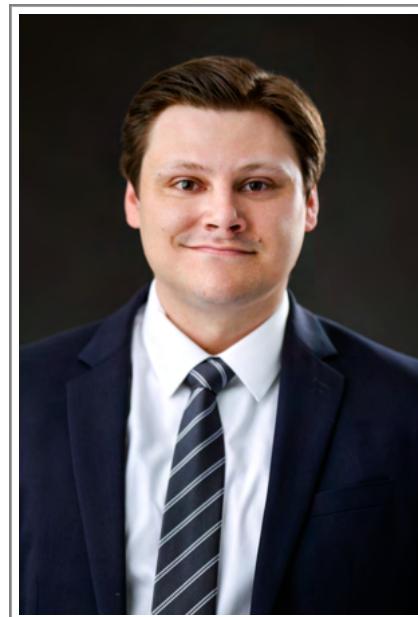
Mr. Stauber joined Gustafson Gluek as an associate in 2021 after serving as a law clerk to the Honorable Caroline H. Lennon, District Judge, First Judicial District of Minnesota.

As an associate at the Firm, Mr. Stauber will be representing individuals who are alleging constitutional violations, illegal price-fixing schemes, and violations of state and federal privacy statutes, among other things. He is passionate about pursuing claims on behalf of clients who have been harmed by some of the largest and most powerful corporations in the world.

Mr. Stauber is an active member of the Minnesota and Federal bar associations and is using his legal education to improve access to justice for all litigants. Mr. Stauber believes that all individuals and businesses deserve their day in court.

Mr. Stauber graduated from the University of Minnesota with a B.A. in English Literature. He graduated magna cum laude from Mitchell Hamline School of Law. While in law school, Mr. Stauber was Vice President of the Mitchell Hamline Hovenkamp Antitrust Society, Membership Coordinator of the Mitchell Hamline Chapter of the American Civil Liberties Union, and a student researcher and member of the Mitchell Hamline Sex Offender Litigation and Research Center. Additionally, Tony was the Production Editor of the Mitchell Hamline Journal of Public Policy and Practice, where he was a published author of an article on the topic of qualified immunity.

Mr. Stauber has been an active member of the National Speech and Debate Association and the Minnesota State High School League as a speech and debate coach for ten years.



At A Glance

Education

- Mitchell Hamline School of Law - J.D.
- University of Minnesota - B.A.

Mr. Stauber has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Local TV Advertising Antitrust Litigation* (N.D. Ill.)
- *Song v. Champion Petfoods* (D. Minn.)
- *In re Hard Disk Drive Suspension Assemblies Antitrust Litigation* (N.D. Cal.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *Karsjens v. Jesson* (D. Minn.)
- *Fuentes v. Jiffy Lube International Inc.* (E.D. Pa.)
- *Samaha v. City of Minneapolis* (D. Minn.)
- *Baldwin v. Miracle Ear Inc.* (D. Minn.)